

The Gazette



of India

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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 31st January, 1962.

Issue No.	No. and Date	Issued by	Subject
38	S.O. 299, dated 25th January, 1962.	Election Commission, India.	Corrections in the Election Commission notification No. 434/WB/61(1), dated the 3rd January, 1962.
39	S.O. 300, dated 25th January, 1962.	Ditto.	Appointment of Electoral Registration Officer for the Parliamentary Constituencies specified therein in the Union Territory of Delhi.
40	S.O. 301, dated 25th January, 1962.	Ditto.	Amendments in S.O. 2316, dated the 19th September, 1961.
41	S.O. 302, dated 27th January, 1962.	Ditto.	Amendments in S.O. 2316, dated the 19th September, 1961.
	S.O. 303, dated 27th January, 1962.	Ditto.	Amendments in S.O. 2316, dated the 19th September, 1961.
	S.O. 304, dated 27th January, 1962.	Ditto.	Amendments in S.O. 2316, dated the 19th September, 1961.
	S.O. 305, dated 27th January, 1962.	Ditto.	Amendments in S.O. 2316, dated the 19th September, 1961.
42	S.O. 306, dated 29th January, 1962.	Ditto.	Amendments in S.O. 2316, dated the 19th September, 1961.
43	S.O. 307, dated 29th January, 1962.	Ditto.	Amendments in the Election Commission notification No. 434/1/61, dated the 21st December, 1961.
44	S.O. 308, dated 29th January, 1962.	Ditto.	Corrigendum in notification No. 434/BR/61, dated the 2nd January, 1962, published in the extraordinary issue of Gazette of India, Part II, Section 3, sub-section (ii), dated the 4th January, 1962.

Issue No.	No. and Date	Issued by	Subject
45	S.O. 309, dated 29th January, 1962.	Ministry of Commerce of Industry.	Amendment to the Bye-laws of the Bombay Oilseeds and Oils Exchange Limited, Bombay.
46	S.O. 310, dated 30th January, 1962.	Ministry of Labour & Employment.	Specifying the date on which the said Act shall come into force in the State of Andhra Pradesh.
47	S.O. 311, dated 30th January, 1962.	Ministry of Information & Broadcasting.	Approval of films specified therein.
48	S.O. 312/IDRA/29B/2/61, dated 30th January, 1962.	Ministry of Commerce & Industry.	Exemption from the operation of Sections 10, 11, 11A, and 13 of the said Act and the rules made thereunder.
49	S.O. 313, dated 30th January, 1962.	Ministry of Labour & Employment.	Constitution of an Industrial Tribunal of which Shri Anand Narain Kaul shall be Presiding Officer with headquarters at Jaipur.
	S.O. 314, dated 30th January, 1962.	Ditto.	Prohibition to the continuance of any strike in existence in connection with the above dispute between the employers in relation to the Jaipur Udyog Limited, Sawaj Madhopur and their workmen employed in the Phalodi Quarries.
50	S.O. 382, dated 31st January, 1962.	Ditto.	Specifying the date on which the said Act shall come into force in the State of Rajasthan.
51	S.O. 383, dated 31st January, 1962.	Election Commission, India.	Amendments in S.O. 2316, dated the 19th September, 1961.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

#### MINISTRY OF LAW CORRIGENDUM

*New Delhi, the 31st January 1962*

**S.O. 399.**—In this Ministry's notification No. S.O. 3097, dated the 29th December, 1961, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 29th December, 1961:—

for "Village Potla"  
read "Village Polta".

[No. F. 5(2)/61-Elec.]

A. S. LOKANATHAN, Under Secy.

**MINISTRY OF FINANCE**  
**(Department of Expenditure)**

*New Delhi, the 31st January 1962*

**S.O. 400.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classifications, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the Schedule appended to the Notification of the Government of India in the Ministry of Finance (Department of Expenditure) No. S.R.O. 639, dated the 28th February, 1957 namely :—

For Part II of the said Schedule, the following shall be substituted, namely :—

**PART II—GENERAL CENTRAL SERVICES CLASS III**

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
<b>INDIAN AUDIT AND ACCOUNTS DEPARTMENT.</b>				
<i>Office of the Comptroller and Auditor General.</i>				
Subordinate Accounts Service (i.e., Superintendents and Assistant Superintendents).	Deputy Comptroller and Auditor General/Additional Deputy Comptroller and Auditor General (Personnel).	Deputy Comptroller and Auditor General	All	Comptroller and Auditor General.
Subordinate Railway Audit Service (i.e., Superintendents and Assistant Superintendents.)		Assistant Comptroller and Auditor General (Personnel)	and (i) to (iii)	Deputy Comptroller and Auditor General/Additional Deputy Comptroller and Auditor General (Personnel).
All other posts	Assistant Comptroller and Auditor General (Personnel)	Assistant Comptroller and Auditor General (Personnel)	All	Deputy Comptroller and Auditor General/Additional Deputy Comptroller and Auditor General (Personnel).



All other Posts

Senior Deputy Accountant General; Deputy Accountant General; Deputy Comptroller; Examiner, Local Audit Department; Senior Deputy Director of Audit, Defence Services; Deputy Director of Audit, Defence Services; Senior Deputy Director of Commercial Audit; Deputy Director of Commercial Audit, Deputy Director of Audit, Food, Rehabilitation and Supply.

Deputy Director of Audit, Commerce, Steel and Mines; Deputy Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines; Deputy Director of Audit, Indian Accounts, U.K., Deputy Audit Officer, Washington, Deputy Chief Auditor, Railways.

Senior Deputy Accountant General; Deputy Accountant General; Deputy Comptroller; Examiner Local Audit Department; Senior Deputy Director of Audit, Defence Services; Deputy Director of Audit, Defence Services; Senior Deputy Director of Commercial Audit; Deputy Director of Commercial Audit; Deputy Director of Audit, Food, Rehabilitation and Supply, Deputy Director of Audit, Commerce, Steel and Mines;

Deputy Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines; Deputy Director of Audit, Indian Accounts, U. K., Deputy Audit Officer, Washington; Deputy Chief Auditor, Railways.

All

Accountant General; Additional Accountant General; Comptroller; Director of Audit, Defence Services; Director of Commercial Audit, Director of Audit, Food, Rehabilitation, Supply, Commerce, Steel and Mines; Director of Audit, Indian Accounts, U. K., Audit Officer, Washington; Chief Auditor, Railways.

No. F. 20(4)-E. G. I/60.

C. R. KRISHNAMURTHI, Dy. Secy.



An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of January, 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	24,68,20,000		A. Gold Coin and Bullion:—		
Notes in circulation . . . .	1980,59,82,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		2005,28,02,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	126,86,07,000	
			TOTAL OF A . . . .		244,62,10,000
			B. Rupee Coin . . . .		121,87,24,000
			Government of India Rupee Securities . . . .		1638,78,68,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		2005,28,02,000	TOTAL ASSETS . . . .		2005,28,02,000

Dated, the 31st day of January, 1962.

B. VENKATAPPAH,  
Deputy Governor.

[No. F. 3(2)-BC/62.]

A. BAKSHI,  
Joint Secy.

## (Department of Revenue)

## ORDER

## STAMPS

*New Delhi, the 3rd February 1962*

**S.O. 402.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits in addition to the remission of duty ordered in No. S.6.69 (Department, of Revenue), dated the 5th January, 1962 and published in the Gazette of India, Part II—Section 3(ii), dated 13th January, 1962 at page 159, the duty with which debentures of the value of ten lakhs of rupees issued by the Bombay State Financial Corporation are chargeable under the said Act.

[No. 3 F. No. 1/1/62-Stamps/Cus. VII.]

J. DATTA, Under Secy.

**CENTRAL BOARD OF REVENUE**

## INCOME-TAX

*New Delhi, the 1st February 1962*

**S.O. 403.**—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that with effect from the 15th January 1962 (forenoon) Shri M. Hamid Mirza, a Commissioner of Income-tax shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Maharashtra except the districts of Nagpur, Bhandara and Greater Bombay.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Mirza shall be designated as the Commissioner of Income-tax, Poona.

[No. 5 F. No. 55/1/62-IT.]

D. V. JUNNARKAR, Under Secy.

**LAND CUSTOMS***New Delhi, the 10th February 1962*

**S.O. 404.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (19 of 1924) read with the notification of the Government of India in the late Finance Department (Central Revenues) No. 5944, dated the 13th December, 1924, the Central Board of Revenue hereby appoints, for the areas adjoining the foreign frontier separating East Pakistan from India, the following Officers in the Union territory of Tripura to be Land Customs Officers within the jurisdiction of the Collector of Central Excise and Land Customs, Shillong, namely:—

1. Superintendent of Police, Tripura Administration with Headquarters at Agartala;
2. Commandant (Border), Tripura Administration, with Headquarters at Agartala;
3. Deputy Superintendent of Police (Central), Tripura Administration with Headquarters at Agartala;



4. Sub-Divisional Police Officers, Tripura Administration, with Headquarters at Kailashahar and Udaipur;
5. Assistant Commandant (Central), Tripura Administration, with Headquarters at Agartala;
6. Circle Inspectors of Police, Tripura Administration, with Headquarters at Agartala, Sonamura, Belonia, Udaipur and Kailashahar;
7. (a) Sub-Inspectors of Police,  
(b) Assistant Sub-Inspectors of Police,  
(c) Head Constables of Police,  
(d) Jamadars of Police,  
in the Tripura Administration at Dharmanagar, Damcherra, Kanchanpur, Fatikroy, Kailashahar, Kamalpur, Khowai, Sidhal, Agartala (Proper), Bishalgarh, Kalamcherra, Sonamura, Jatratur, Birganj, Sabroom, Puranrajbari and Belonia;
8. In-charge of Border Out Posts, Tripura Administration at Luxmikumara, Chotokhid, Amlighat, Srinagar, Hrishamukh, Radhanagar, Rajnagar, Nidaya, Dhanpur, Matinagar, Kalamcherra, Raina, Kamthana, Harihardola, Mantala, Agartala, Sinaihani, Bamutia, Mohanpur, Katlamara, Asrambari, Bilcheria, Bachaibari, Moracherra, Khasiapunji, Rangauti, Ragna, Ranibari, Anandabazar, Nalura, Baligaon, Sidhinagar, Khorakapa, Motai, Debipur and Jolaiya.

[No. 1/F. No. 8/2/61-L.C.I.]

L. S. MARTHANDAM, Under Secy.

**OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, COCHIN****CENTRAL EXCISES***Cochin, the 18th January 1962*

**S.O. 405.**—In exercise of the powers conferred on me by Rule 233 read with Rule 51 of the Central Excise Rules 1944, I direct that every manufacturer of cosmetics and toilet preparations, falling under item 14-F of the First Schedule to the Central Excises and Salt Act, 1944 shall affix on each and every container of Cosmetics and toilet preparations, a label showing clearly the following particulars:—

- (i) The name of the manufacturer;
- (ii) the number of the Central Excise licence in form L-4;
- (iii) the name of the product together with the corresponding name under the Central Excise Tariff; and
- (iv) the nett weight of the product.

Specimen of such labels shall be lodged with the Superintendent of Central Excise having jurisdiction over the factory for his record before they are brought into use.

[No. 1/62.]

A. K. BANDYOPADHYAY, Collector.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE 1****CENTRAL EXCISES***Bangalore, the 22nd January 1962*

**S.O. 406.**—In exercise of the powers conferred on me under Rule 233 of Central Excise Rules, 1944, I hereby direct all manufacturers of Cosmetics and Toilet Preparations falling under item 14(F) of the first schedule to the Central Excise & Salt Act, 1944, that their preparations should bear labels clearly indicating:—

- (i) the name of the manufacturer;
- (ii) the number of Central Excise Licence in form L-4.

- (iii) the name of the product together with the corresponding name under the Central Excise Tariff; and
- (iv) the nett weight of the product.

Before affixing such labels a specimen of it should be lodged with the Superintendent of Central excise concerned for his record.

[No. 1/62.]

B. SEN, Collector.

### CENTRAL EXCISE COLLECTORATE, POONA

*Poona, the 23rd January, 1962*

**S.O. 407.**—In exercise of the powers conferred upon me under Rule 233, of the Central Excise Rules, 1944, I issue the following instructions for compliance by all manufacturers of cosmetics and toilet preparations, falling under item 14(F), of Central Excise tariff.

- (a) All such manufacturers shall affix labels on each container of their product indicating thereon,
  - (i) The name of the manufacturer.
  - (ii) The number of the Central Excise licence in form L. 4.
  - (iii) The name of the product together with the corresponding name under the Central Excise Tariff; and
  - (iv) The net weight of the product.
- (b) A specimen of the labels shall be lodged with the Superintendent of Central Excise concerned for his record, before the labels are brought into use.

[CER No. 3/1962, F. No. VI (14F) 3-1/61.]

B. D. DESHMUKH,  
Collector of Central Excise, Poona.

### CENTRAL EXCISE COLLECTORATE, CALCUTTA & ORISSA

#### CENTRAL EXCISE

*Calcutta, the 29th January 1962*

**S.O. 408.**—In exercise of the powers under Rule 233, of the Central Excise Rules, 1944, the undersigned hereby directs that all manufacturers of Cosmetics and Toilet Preparations including those whose products are exempt from the payment of Central Excise Duty under the Provisions of the Government of India, Ministry of Finance (Department of Revenue) Notification No. 107/61-CE, dated 20th April, 1961, shall affix a label to each of their products showing the following particulars.

1. The name of the manufacturer.
2. The number of the Central Excise licence in form L. 4.
3. The name of the product together with the corresponding name under the relevant sub-item of item 14-F of the 1st Schedule to the Central Excises and Salt Act, 1944; and
4. The nett weight of the product.

A specimen copy of each type of label should be lodged with the Superintendent of Central Excise concerned before it is brought into use and affixed to the products.

[No. 1/1962, C. No. IV(7)1/CE/62.]

A. K. ROY,  
Collector of Central  
Excise, Calcutta and Orissa, Calcutta.

**CENTRAL EXCISE COLLECTORATE, HYDERABAD**

*Hyderabad, the 29th January 1962*

**S. O. 409.**—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules 1944, I hereby empower the Deputy Collector of Central Excise, Hyderabad Collectorate, to exercise the powers of the Collector under the Rules enumerated in Column 2 of the table sub-joined to the mentioned in Col. 3 subject to the conditions in Col. 4.

Sl. No.	Rule of Central Excise Rules 1944	Extent of Delegation	Condition if any
1	2	3	4
1	14-A	Full powers to refuse permission to make further exports of goods under Bond in case of failure to pay duty and penalty demanded under the Rule.	..
2	14-B	Power to order for overdrawal against B Bond upto a maximum of 75% of the Bond amount in each case.	..
3	27 (4) and 147	Remission of duty due upto a maximum of Rs. 750/- in each case.	Subject to a report being made to the Collector.
4	Rule 32 & Sub-para (g) of Bd's Notification No. 24-CE. dt. 23/7/49 issued under this rule (Printed as NOTE below the rule).	Full powers.	
5	49	Waiving of duty upto a maximum of Rs. 750/- in each case on goods claimed by manufacturers as unfit for marketing.	Subject to a report being made to the Collector.
6	196, 191(8) and 191-A (12).	Forfeiture of security upto a maximum of Rs. 750/- in each case.	To.

[No. 4/62.]

B. SEN, Collector.

**CENTRAL EXCISE COLLECTORATE, MADRAS**

**CENTRAL EXCISES.**

*Madras, the 31st January 1962*

**S.O. 410.**—In exercise of the powers conferred on me by Rule 233 of the Central Excise Rules, 1944, read with Rule 51 *ibid*, I hereby direct that all manufacturers (in the taxable as well as exempted sectors) of cosmetics and toilet preparations falling under item 14(F) of the Central Excise Tariff shall affix on each of the packages containing cosmetics and toilet preparations produced in their respective factories, a label showing in clearly discernible characters the following particulars:—*viz.*,

- (i) The name of the manufacturer;
- (ii) The number of the Central Excise Licence in Form L. 4;
- (iii) The name of the product together with the corresponding name under the Central Excise Tariff; and
- (iv) The net weight of the product.

Before these labels are brought into use for being affixed on the packages, a specimen of each of such labels should be lodged with the Superintendent of Central Excise concerned for his record.

2. I hereby further direct that the clearances of cosmetics and Toilet preparations from factories in the exempted sector, i.e., those falling within the exemption limit laid down in the Government of India, Ministry of Finance (Department of Revenue) Notification No. 107/61-CE, dated 20th April, 1961, shall be made on the licencees' own gate passes and the word "EXEMPTED SECTOR", shall be written on the right-hand corner of such gate passes.

[No. IV/16/13/62-CE (Pol).]

D. R. KOHLI, Collector.

### CENTRAL EXCISE COLLECTORATE: DELHI

#### CENTRAL EXCISES

*New Delhi, the 31st January 1962*

**S.O. 411.**—In exercise of the powers conferred on me under Rule 238 of Central Excise Rules, 1944, I hereby direct that all manufacturers of Pigments, Colours, Paints, Enamels, Varnishes, Blacks and Cellulose Lacquers and Vegetable Products should also record, the **PROGRESSIVE TOTALS** of Production according to Calendar Year, apart from the **QUARTERLY** ~~manufactures~~ during the month, as well as that of the clearances according to Financial Year likewise both in RT-3 return and AR-1 Applications to facilitate checking of application of appropriate rates of Central Excise duty leviable on these Commodities.

[No. 2/1962 C. No. IV(16)4CE/62.]

K. NARASIMHAN, Collector.

### MINISTRY OF COMMERCE AND INDUSTRY

*Bombay, the 27th December 1961*

**S.O. 412.**—In exercise of the powers conferred on me under Clause 3 of the Cotton Control Order, 1955, I hereby make the following further amendment in the Textile Commissioner's Notification No. S.O. 2273, dated 1st September, 1961, namely:

In the said Notification, in Note II appended to Schedule 'A' in item (iii), the following shall be added, namely:

"Gaorani 22"

Sd./- W. R. NATU,  
Textile Commissioner.

[No. 24(2)-Tex(A)/61.]  
A. B. DATAR, Under Secy.

#### ORDER

*New Delhi, the 6th February 1962*

**S.O. 413/IDRA/6/1.**—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri S. Balakrishna to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1740 dated the 7th July, 1960 for the scheduled industries engaged in the manufacture or production of Bicycles, Sewing Machines

and Instruments till the 6th July, 1962 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order FOR entry No. 18D relating to Dr. B. Natarajan, the following entry shall be substituted, namely:—

"18D. Shri S. Balakrishna, National Council of Technical Member"  
Applied Economic Research, Parisila Bhavan, knowledge  
11, Indraprastha Estate, New Delhi-1.

[No. 1(1)L.Pr./60.]

J. S. BAKHSI, Under Secy.

#### RUBBER CONTROL

*New Delhi, the 3rd February 1962*

**S.O. 414.**—In exercise of the powers conferred by clause (d) of sub-section (3) of section 4 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby nominates Shri K. Srinivasan of Messrs. A. V. Thomas & Co., Alleppey and Dr. S. L. Kapur, Assistant Director, National Chemical Laboratory, Poona, as members of the Rubber Board for a period of three years with effect from the 13th February, 1962, to represent interests other than manufacturers and labour.

[No. 15(2)Plant(B)/61.]

B. KRISHNAMURTHY, Under Secy.

#### (Office of the Deputy Chief Controller of Imports & Exports) (Central Licensing Area)

#### NOTICE

*New Delhi, the 3rd January 1962*

**S.O. 415.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Import (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the import licence No. A. 762934/60/AU/CCI/D dated 14th July 1960 for import of Brass Liners and Screen for Vacuum Filter for Rs. 18,833/- from S.C.A. except South Africa, granted by the Deputy Chief Controller of Imports and Exports, Central Licensing Area New Delhi to M/s. Mumbai Rajya Sahakari Sakhar Karkhana Sangh Ltd., Distt. Local Board Building (Extn.), Poona-2 unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports, Central Licensing Area, New Delhi within ten days of the date of issue of this notice by the said M/s. Mumbai Rajya Sahakari Sakhar Karkhana Sangh Ltd. of Distt. Local Board Building (Extn.), Poona-2 or any bank or any other party, who may be interested in it.

In view of what is stated above M/s. Mumbai Rajya Sahakari Sakhar Karkhana Sangh Ltd. of Distt. Local Board Building (Extn.), Poona-2 or any bank or any other party, who may be interested in the said licence No. A. 762934/60/AU/CCI/D dated 14th July 1960 are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports and Exports, Central Licensing Area, Janpath Barracks 'B', New Delhi.

[No. DCCI/I(CLA)/71/61.]

RAM MURTI SHARMA,  
Deputy Chief Controller.

#### (Indian Standards Institution)

*New Delhi, the 1st February 1962*

**S. O. 416.**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 14th January to 31st January 1962.

## THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1	IS : 215-1961 Specification for Road Tar ( <i>Revised</i> ).	IS : 215-1951 Specification for Road Tar.	This standard covers five grades of road tar with different viscosity ranges suitable for various types of road construction under the climatic conditions prevalent in various parts of India (Price Rs. 1.50).
	IS : 216-1961 Specification for Coal Tar Pitch ( <i>Revised</i> ).	IS : 216-1951 Specification for Coal Tar Pitch.	This standard covers the range of four grades of coal tar pitch from soft to hard consistencies with softening points varying from 45° to 92°C intended for the production of waterproofing protective and binding compounds employed in masonry, steel, timber and concrete structures and also for the preparation of roofing felts (Price Rs. 1.50).
3	IS : 217-1961 Specification for Cutback Bitumen ( <i>Revised</i> ).	IS : 217-1951 Specification for Cutback Bitumen.	This standard covers the physical and chemical requirements of cutback bitumen produced by fluxing bitumen with distillates of petroleum or coal tar for use in road construction (Price Rs. 2.50).
4	IS : 218-1961 Specification for Creosote and Anthracene Oil for use as Wood Preservatives ( <i>Revised</i> ).	IS : 218-1952 Specification for Creosote and Anthracene Oil for use as Wood Preservatives.	This standard covers materials commercially known as coal tar creosote (or creosote oil) and anthracene oil for use as wood preservatives (Price Rs. 1.50).
5	IS : 327-1961 Specification for Oil of Lemongrass (East Indian Oil of Lemongrass) ( <i>Revised</i> ).	IS : 327-1952 Specification for Lemongrass Oil (East Indian Lemongrass Oil).	This standard prescribes the requirements and the methods of test for the material commercially known as the oil of lemongrass or the East Indian oil of lemongrass. The material is largely used in the extraction of citral, the chief constituent of the oil and the starting material for the manufacture of important ionones. It is also employed in the preparation of lemon-like perfumes, germicides, etc. (Price Rs. 1.50).
6	IS : 563-1961 Specification for DDT, Technical ( <i>Revised</i> ).	IS : 563-1955 Specification for DDT, Technical.	This standard prescribes the requirements and the methods of test for DDT (dichloro diphenyl trichloroethane), technical (Price Rs. 4.50).

(1)	(2)	(3)	(4)
7	IS : 1570-1951 Schedules for Wrought Steels for General Engineering Purposes.	..	This standard consists of schedules relating to carbon and alloy steels (Price Rs. 8.00).
8	IS : 1794-1961 Specification for Shuttles for Plain Calico Looms; Suction—Threading Type.	..	This standard lays down requirements of shuttles of the suction-threading type used for weaving cotton fabrics on plain calico power looms. Shuttles made of wood, in six lengths ranging from 345 to 420 mm, have been dealt with in this standard (Price Rs. 2.50).
9	IS : 1829 (Part-I)-1961 Specification for Library Furniture and Fittings, Part I : Timber	..	This standard covers the items of wooden furniture and fittings meant for use in a library (Price Rs. 4.00).
10	IS : 1850-1961 Dimensions for Shank Diameters and Driving Squares for Rotating Tools.	..	This standard specifies the preferred diameters of shanks and dimensions for external and internal squares provide for rotating small tools (Price Rs. 1.50).
11	IS : 1857-1961 Specification for Tarred Hemp Marline, Two-Ply.	..	This part of the standard prescribes the requirements for tarred hemp marline, two-ply. In this part all quantities and dimensions have been expressed in the metric system (Price Rs. 2.50).
12	IS : 1861-1961 Code of Practice for Manufacture of Lime in vertical Mixed-Feed type Kilns.	..	This standard covers essentially the operations for the burning of limestone in vertical kilns of the mixed-feed type. Hydration of the quicklime so obtained is also briefly covered (Price Rs. 3.50).
13	IS : 1862-1961 Specification for Studs.	..	This standard covers the requirements of precision grade studs intended for use in steel and cast iron (Price Rs. 2.50).
14	IS : 1865-1961 Specification for Iron castings with Spheroidal or Nodular graphite.	..	This standard covers requirements of iron castings with spheroidal or nodular graphite in four grades, namely, Grade 1, 2, and Grade 3A and 3B (Price Rs. 2.00).
15	IS : 1866-1961 Code of Practice for maintenance of Insulating Oil.	..	This code deals with the maintenance of insulating oil conforming to IS: 335-1953 Specification for Insulating Oil for Transformers and Switchgear (Low Viscosity Type), including inhibited oils used in transformers, switchgear and certain other oil-immersed electrical equipment (Price Rs. 4.50).

1	2	3	4
16	IS : 1868-1961 Specification for Anodized Aluminium.	..	This standard specifies the performance and testing of anodic coating on aluminium and aluminium alloys, the coating consisting substantially of aluminium oxide produced by an electrolytic process during which the aluminium acts as the anode. It does not specify the quality or composition of the basis metal (Price Rs. 2.50).
17	IS : 1869-1961 Specification for Ice Cans.	..	This standard covers the materials, fabrication and construction, nominal ratings and dimensions, and testing of ice cans used in the manufacture of ice blocks. The Standard covers both riveted and welded types of ice cans (Price Rs. 1.50).
18	IS : 1873-1961 Specification for Thinner, Antichill for Cellulose Nitrate based paints, dopes and lacquers for aircrafts.	..	This specification prescribes the requirements and the methods of test for thinner, antichill for cellulose nitrate based paints, dopes and lacquers. The thinner is intended for use in the aircraft industry, especially under conditions of high humidity (Price Rs. 1.50).
19	IS : 1876-1961 Method for Voltage Measurement by means of Sphere-Gaps (One sphere earthed).	..	This standard specifies the requirements and the method for use of sphere-gaps (one sphere earthed) for the measurement of the peak value (Price Rs. 4.00).
20	IS : 1887-1961 Specification for Spun Jute Yarn, 18-ply.	..	This part of the standard prescribes the requirements of jute yarn, 18-ply. In this part all quantities and dimensions are specified in the metric system (Price Rs. 2.00).

Copies of these Indian Standards are available for sale, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New-Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and (iv) 14/69, Civil Lines, Kanpur.

[No. MD/13:2.]

**S.O. 417.**—In pursuance of sub-regulations (2) and (3) of Regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed, has been established with immediate effect.



## THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS: 398-1961 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes ( <i>Revised</i> ).	IS: 398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes ( <i>Tentative</i> ).	This standard covers the requirements for : (a) Hard-Drawn aluminium stranded conductors ; and (b) Steel-Cored aluminium conductors, including the solid aluminium and steel wires used in their construction ; for overhead Power transmission purposes (Price Rs. 5.50).

Copies of this Indian Standard are available for sale, with the Indian Standards Institution, 'Manak Bhavan', 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1. (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and 14/68 Civil Lines, Kanpur.

[No. MD/13:2/A.]

**S.O. 418.**—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

## THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 76-1950 Specification for Linseed Oil, Refined for Paints.	S.R.O. 658 dated 26th March, 1955.	No. 2, January 1962.	(i) In clause 3.1, line 3 '500 g' has been substituted for '1 lb (or 450 g)' (ii) in clause 4.2, line 2 '6.35 mm' has been substituted for '0.25 in. (or 6.35 mm)'.	15th February, 1962.
2	IS: 264-1950 Specification for Nitric Acid.	S.R.O. 658, dated 26th March, 1955.	No. 1 November 1961.	(i) In clause 5.3 line 2 '25 mm' has been substituted for '1 inch'. (ii) The existing Figure 1 in Appendix A has been deleted and substituted by a new Figure.	15th February, 1962.

(1)	(2)	(3)	(4)	(5)	(6)
				<p>(iii) In clause 4.1 of Appendix A, lines 2 and 3 '500 ml' has been substituted for '1 pint (or 570 ml.)'</p> <p>(iv) In clause 3.1 of Appendix B, lines 7 and 9 '15.5°C' has been substituted for '15.5 C (or 60°F)'</p> <p>(v) The existing Fig. 2 of Appendix C has been deleted and substituted by a new Fig.</p> <p>(vi) In clause 2.1 of Appendix J, Line 2 '60 ml' has been substituted for '2 oz (or 60 ml.)'</p> <p>(vii) In Fig. 3 of Appendix J '60 ml BOTTLE' has been substituted for '2 oz, OR 60 ml BOTTLE'</p> <p>(viii) In clause 3.3 of Appendix J, line 2 '50×50 cm.' has been substituted for '20 by 20 in.'</p> <p>(ix) In clause 3.7 of Appendix J, line 2 'passing IS Sieve 570 (aperture 5 660 microns)' and retained on IS Sieve 280 (aperture 2 818 microns) has been substituted for 'passing a sieve of 3 to 6 meshes per in. (or 25.4 mm).'</p> <p>(x) In clause 3.1 of Appendix K, line 4 '12 mm' has been substituted for '½ in.'</p>	
3 IS: 668-1955 Specification for Serge, Ordinary.	S.R.O. 827 dated 16th April 1955.	No. 1, January, 1962.		<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clause 5.10.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv) (a) The existing Appendix A has been Re-designated as Appendix B and 'B' has been substituted for 'A' in all item and clause numbers of Appendix A.</p>	15th February, 1962.

(1)	(2)	(3)	(4)	(5)	(6)
				(b) A new Appendix designated as Appendix A has been introduced.	
4	IS: 669-1955 Specification for Serge, Drab Mixture.	S.R.O. 827 dated 16th April, 1955.	No. 1 January 1962.	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clause 5.9.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv) The existing Appendix A has been</p> <p>(a) Re-designated as Appendix B and 'B' has been substituted for 'A' in all item and clause numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	15th February, 1962.
5	IS: 670-1955 Specification for Serge, Worsted, Dyed (Superior).	S.R.O. 1507 dated 16th July, 1955.	No. 1, January 1962	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clause 5.10.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv)(a) The existing Appendix A has been Re-designated as Appendix B and 'B' has been substituted for 'A' in all item and clause numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	15th February, 1962.
6	IS: 671-1955 Specification for Serge, Service Dress (Drab Mixture).	S.R.O. 1507 dated 16th July, 1955.	No. 1, January 1962.	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1, has been deleted.</p> <p>(iii) In sub-clause 5.9.1 line 3 'Appendix B' has been substituted for 'Appendix A'.</p>	15th February, 1962.

(2)	(3)	(4)	(5)	(6)
			<p>(iv) (a) The existing Appendix A has been Re-designated as Appendix B and 'B' has been substituted for 'A' in all item and clause numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	
IS: 672-1955 Specification for Serge, White, Lining	S.R.O. 827 dated 16th April, 1955	No. 2, January 1962.	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause</p> <p>(ii) The clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clauses 5.10.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv) (a) The existing Appendix A has been Re-designated as Appendix B and 'B' has been substituted for 'A' in all item- and clause numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	15th February, 1962.
8 IS: 673-1955 Specification for Cloth, Woollen, Twill, Dyed.	S.R.O. 827 dated 16th April 1955.	No. 1 January 1962	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1. has been deleted.</p> <p>(iii) In sub-clause 5.10.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv) (a) The existing Appendix A has been Re-designated as Appendix B and 'B' has been substituted for 'A' in all item- and clause-numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	15 the February, 1962.

(1)	(2)	(3)	(4)	(5)	(6)
9.	IS:674-1955 Specification for Flannel, Silver Grey, Hospital	S.R.O. 827 dated 16th April 1955.	No. 1 January 1962	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clause 5.9.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv) (a) The existing Appendix A has been re-designated as Appendix B and 'B' has been substituted for 'A' in all item-and clause-numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	15th February 1962
10.	IS:675-1955 Specification for Cloth, Bunting, Worsted	S.R.O. 827 dated 16th April 1955	No. 1 January 1962	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clause 5.10.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p> <p>(iv) (a) The existing Appendix A has been re-designated as Appendix B and 'B' has been substituted for 'A' in all item-and clause-numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	15th February 1962
11.	IS:676-1955 Specification for Bunting, Worsted	S.R.O. 827 dated 16th April 1955	No. 1 January 1962	<p>(i) The existing clause 5.7 has been deleted and substituted by a new clause.</p> <p>(ii) The sub-clause 5.7.1 has been deleted.</p> <p>(iii) In sub-clause 5.10.1, line 3 'Appendix B' has been substituted for 'Appendix A'.</p>	15th February 1962

(1)	(2)	(3)	(4)	(5)	(6)
				<p>(iv) (a) The existing Appendix A has been re-designated as Appendix B and 'B' has been substituted for 'A' in all item-and clause-numbers of Appendix A.</p> <p>(b) A new Appendix designated as Appendix A has been introduced.</p>	
12.	IS:1022-1956 Specification for Kotka Phosphate	S.R.O. 2019 dated 22nd June 1957	No. 1 October 1961	<p>(i) In clause A-2.2, lines 4 and 17, '500 g' has been substituted for '0.5 kg (or 1.0 lb)'.</p> <p>(ii) In sub-clause A-2.2.1, line 2 '10 metric tonnes' has been substituted for '10,000 kg (or 10 tons)'.</p> <p>(iii) In sub-clause A-2.2.1, lines 3 and 4 'each metric tonne' has been substituted for 'each 1 000 kg (or 0.5 lb for each ton)'.</p> <p>(iv) In clause A-4.2, lines 8 and 9 '200g' has been substituted for '250 g (or 0.5 lb)'.</p> <p>(v) In clause A-4.3, line 2 '50 g' has been substituted for '50 g (or 2 oz)'.</p> <p>(vi) The existing item B-4 and its relevant clauses have been deleted and substituted by a new item and its clauses.</p>	15th February 1962
13.	IS:1092-1957 Specification for Ch na Clay for Textile and Paper Industries	S.R.O. 3809 dated 30th November 1957	No.1 November 1961	<p>(i) The existing clause 0.7 has been deleted and the clauses '0.8 and 0.9' have been renumbered as '0.7 and 0.8' respectively.</p> <p>(ii) In Table I, Col. 2 against sl. No. (vi) 'Iron' has been substituted for 'Total iron'.</p> <p>(iii) In sub-clause A-2.2.1, line 2 '10 metric tonnes' has been substituted for '10 000 kg (or 10 tons)'.</p>	15th February 1962

(1)	(2)	(3)	(4)	(5)	(6)
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- (iv) In sub-clause A-2.2.1, line 4 'one metric tonne' has been substituted for '1 000 kg or one ton'.
- (v) In clause A-4.2, line 8 '1 kg' has been substituted for '1 kg (or 2 lb)'.
- (vi) In clause A-4.3, line 2 '100 g' has been substituted for '100 g (or 4 oz)'.
- (vii) The existing Item C-1 and its relevant clauses have been deleted and substituted by a new Item and its clauses.

Copies of these Amendment Slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 232, Dr. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, (iii) 2/21, First Line Beach, Madras-1 and (iv) 14/69, Civil Lines, Kanpur.

[No. MD/13 : 5.]

**S.O. 419**—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slip particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standard specified in column (2) of the said Schedule.

# THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1	IS: 702-1961 Specification for Industrial Bitumen ( <i>Revised</i> )	S.O. 3062 dated 30th December 1961	At page 4 in Table I, second line of the asterisked note please read 'value in Table I of IS:73-1961 Specification for Paving Bitumen' for 'values in Table I'.

Copies of this Errata Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232, Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, (iii) 2/21, First Line Beach, Madras-1 and (iv) 14/69, Civil Lines, Kanpur.

[No. MD/13 : 6.]

**S.O. 420.**—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of Corrigenda Slip particulars of which are given in column (5) of the Schedule hereto annexed, in respect of the Indian Standard specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	No. & Date of Corrigenda	Particulars of Corrigenda Slip Issued.
(1)	(2)	(3)	(4)	(5)
1	IS: 740--1960 Specification for Flat Cotton Wicks for Hurricane Lanterns and Lamps.	S.O. 1059 dated 13th May 1961	No. 1 January 1962	(i) The following note has been added under clause A-6.2: 'NOTE—It is envisaged here that the determination will be made in the manner prescribed in 7.2 and 7.4.1. of IS : 240-1951 and that 7.1, 7.3 and 7.4 will not be held to be applicable for the purpose of this test.' (ii) The following note has been added under clause B-6.2: 'NOTE—It is envisaged here that the determination will be made in the manner prescribed in 7.2 and 7.4.1 of IS:240-1951 and that 7.1, 7.3 and 7.4 will not be held to be applicable for the purpose of this test.'

Copies of this Corrigenda Slip are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Mahthura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13 :6/A.]

C. N. MODAWAL,  
Head of Certification Marks Division.

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines and Fuel)

New Delhi, the 31st January 1962

**S.O. 421.**—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby appoints Shri R. K. Talwar, Coal Controller, Calcutta, as Chairman of the Coal Board, with effect from 1st February 1962, and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No. S.O. 488, dated 19th February, 1960, namely:—

In the said notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri R. K. Talwar, Coal Controller

Chairman"

[No. C5-1(21)/61.]



## ORDER

*New Delhi, the 29th January 1962*

**S.O. 422.**—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment in the Order of the Government of India in the late Ministry of Production, S.R.O. No. 1185, dated the 2nd April, 1957, namely:—

In the Schedule annexed to the said Order, and the entries relating thereto, after Serial No. 12, the following shall be inserted, namely:—

‘13. Director of Industries Assam	Clauses (c), (d), (e), (f), (h), (i) and (j)	In respect of distribution of coal received within the State of Assam from time to time against the quota fixed by the Central Government for detailed allocation by the State Government.”
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[No. 11/1/62-CL.]

S. P. GUGNANI, Dy. Secy.

## (Department of Iron and Steel)

*New Delhi, the 1st February 1962*

**S.O. 423/ESS.COMM/IRON AND STEEL-2(c)/AM(90).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against ‘OTHERS’, the following entry shall be added, namely:—

2	3
“52. Senior Steel Control Inspector, Office of the Iron and Steel Controller, Calcutta.	4, 5, 10, 18, 20 and 22.”

[No. SC(A)-2(10)/61.]

*New Delhi, the 2nd February 1962*

**S.O. 424/ESS.COMM/IRON AND STEEL-2(c)/AM(91).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in column 2 thereof, against ‘OTHERS’, for the existing entry No. (37), the following shall be substituted, namely:—

- “37. Deputy Chief Controllers (Export Promotion) and Controllers (Export Promotion) at Madras, Bombay and Calcutta and Deputy Chief Controller of Imports and Exports at Ernakulam.”

[No. SC(A)-2(10)/61.]

H. S. GILL, Under Secy.

## MINISTRY OF FOOD AND AGRICULTURE

## (Department of Agriculture)

*New Delhi, the 31st January 1962*

**S.O. 425.**—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government

hereby makes the following rules, the same having been previously published as required by the said section.

1. These rules may be called the Eggs Grading and Marking (Amendment) Rules, 1962.

2. In Schedule I to the Eggs Grading and Marking Rules, 1937 (hereinafter referred to as the said rules),

- (1) in column 2 of the Table, for the existing entries '2 oz', '1½ oz', '1¼ oz', and '1 oz', the entries '56.699 grams', '49.612 grams', '42.524 grams' and '28.350 grams' shall respectively be substituted;
- (2) in column 4 of the Table, for the existing entries '2½ oz', '2 oz', '1½ oz' and '1¼ oz', the entries '70.874 grams', '56.699 grams', '49.612 grams' and '42.524 grams' shall respectively be substituted;
- (3) in the footnote, for the expression "1 drachm" the expression "1.722 grams" shall be substituted.

3. In Schedule II to the said rules, in the design under Grade designation mark for packages of eggs, for the words "भारत की उत्पत्ति" the words "भारतीय" shall be substituted.

[No. F. 17-4/61-A.M.]

*New Delhi, the 3rd February, 1962*

**S.O. 426.**—The following draft of further amendments to the Table Potato Grading and Marking Rules, 1950, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 5th March, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### *Draft Amendment*

1. These rules may be called the Table Potato Grading and Marking (Amendment) Rules, 1962.

2. In Schedule I of the Table Potato Grading and Marking Rules, 1950 (hereinafter referred to as the said rules),

- (i) in the heading of column 3 of the Table, for the existing words and brackets "(Minimum diameter in)", the words and brackets "(Minimum diameter in Millimetres)" shall be substituted;
- (ii) in column 3 of the table, for the existing entries "1½ in\*\*" and "1¼ in", the entries "41 mm\*\*" and "29 mm" shall respectively be substituted;
- (iii) in column 5 of the table, for the existing entry "a 1 in. mesh", the entry "25 mm mesh" shall be substituted;
- (iv) in the footnote of the table, for the existing entries occurring under the marks \*\* "1½ in.", "(2 in., 2.25 in., 2.5 in. etc.)" and "3¼ inches", the entries "41 mm", "(51 mm, 57 mm, 64 mm etc.)" and "89 mm" shall respectively be substituted.

3. In Schedule II of the said rules,

- (i) in the heading of column 3 of the table, for the existing words and brackets, "(Minimum diameter in.)", the words and brackets, "(Minimum diameter in Millimetres)" shall be substituted,
- (ii) in column 3 of the table, for the existing entries, "1½ in\*\*" and "1¼ in", the entries "45 mm\*\*" and "32 mm", shall respectively be substituted,
- (iii) in column 5 of the table, for the existing entry "a 1" mesh", the entry "25 mm mesh" shall be substituted,
- (iv) in the footnote of the table, for the existing entries occurring under the marks\*\* "1½ in.", "(2 in., 2.25 in., 2.5 in. etc.)" and "3¼ inches", the entries "45 mm", "(51 mm, 57 mm, 64 mm etc.)" and "83 mm" shall respectively be substituted.

[No. F. 17-1/62-AM(ii).]

**S.O. 427.**—The following draft of amendments to the Apples Grading and Marking Rules, 1938, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937) is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 5th March, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Amendment*

1. These rules may be called the Apples Grading and Marking (Amendment) Rules, 1962.

2. In clause (i) of sub-rule (4) of rule 6 of the Apples Grading and Marking Rules 1938 (hereinafter referred to as the said rules), for the expressions "21"×16"×9'" and "3, 024 cubic inches" the expressions "533 mm×406mm×220 mm" and "49, 555 cubic cm" shall respectively be substituted.

3. In Schedule I of the said rules,

(i) in the heading of column 2 of the table, for the existing words and brackets "Minimum diameter\* at base (widest part) Inches", the words and brackets "Minimum diameter\* at base (widest part) millimetres" shall be substituted.

(ii) in column 2 of the table, for the existing entries "2½", "2¼", "2⅓" and "2", the entries "73", "67", "60" and "51" shall respectively be substituted.

4. In Schedule II of the said rules,

in the design under Grade designation mark for packages of Apples, for the words, "भारत की उत्पत्ति" the words "भारतीय उत्पाद" shall be substituted.

[No. F. 17-1/62-AM(III).]

**S.O. 428.**—The following draft of amendments to the Plums Grading and Marking Rules, 1938, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937) is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 5th March, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Amendment*

1. These rules may be called the Plums Grading and Marking (Amendment) Rules, 1962.

2. In Schedule I of the Plums Grading and Marking Rules, 1938 (hereinafter referred to as the said rules),

(i) in the heading of column 2 of the table, for the existing entries "Minimum\* diameter in inches", the entries "Minimum\* diameter in Millimetres" shall be substituted,

(ii) in column 2 of the table, for the existing entries "1½", "1¼", and "1⅓" the entries "41", "35" and "29" shall respectively be substituted.

3. In Schedule II of the said rules,

in the design under Grade designation mark for packages of plums, for the words "भारत की उत्पत्ति" the words "भारतीय उत्पाद" shall be substituted.

No. F. 17-1/62-AM(IV).]

**S.O. 429.**—The following draft of amendments to the William Pears (Grading and Marking) Rules, 1953, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section,

for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 5th March, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### *Draft Amendment*

1. These rules may be called the William Pears (Grading and Marking) Amendment Rules, 1962.

2. In Schedule I of the William Pears (Grading and Marking) Rules, 1953 (hereinafter referred to as the said rules),

- (i) in the heading of column 2 of the Table, for the existing entry "Size minimum inches", the entry "Size Minimum Millimetres" shall be substituted,
- (ii) in column 2 of the table for the existing entries "2½", "2½", "2½" and "2", the entries "70", "64", "57" and "51" shall respectively be substituted.
- (iii) in column 3 of the Table, for the existing entries, "½ square inch", "½ square inch" and "1/8 square inch" against item 6, the entries "161 square mm", "323 square mm" and "81 square mm" shall respectively be substituted.

3. In Schedule II of the said rules,

in the design under Grade designation mark for William Pears, for the words "भारत की उत्पत्ति" the words " "भारतीय उत्पाद" shall be substituted.

[No. F. 17-1/62-AM(V).]

V. S. NIGAM, Under Secy.

#### **(Department of Agriculture)**

*New Delhi, the 5th February 1962*

**S.O. 430.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to prescribe the revised scale of pay as per provisions of the Central Civil Services (Revised Pay) Rules, 1960, for the post of Sugarcane Chemist (Class I) at Sugarcane Breeding Institute, Coimbatore, with effect from the date it is filled up, as under:—

Designation of the post	Pre-1931 scale	Prescribed scale	Revised scale
Sugarcane Chemist	..	..	Rs. 400—40—800—50—950

[No 2-49/60. S. Cane Instt.]

PARTAP SINGH, Under Secy.

#### **(Department of Agriculture)**

**(Indian Council of Agricultural Research)**

*New Delhi, the 30th January 1962*

**S.O. 431.**—The following draft of rules further to amend the Indian Central Oilseeds Committee Provident Fund Rules, 1961, which the Central Government proposes to make, in exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), is published, as required by subsection (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 28th February, 1962.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Rules*

1. These rules may be called the Indian Central Oilseeds Committee Provident Fund (Amendment) Rules, 1962.

2. In the Indian Central Oilseeds Committee Provident Fund Rules, 1961 (hereinafter referred to as the said rules), in rule 2,

(a) in Note II of clause (c), the words "the solicitor of" shall be omitted;

(b) in clause (e), for the word "variety", the word "kind" shall be substituted.

3. In sub-rule (1) of rule 6 of the said rules, for the words "as soon as may be after", the word "on" shall be substituted.

4. In sub-rule (2) of rule 8 of the said rules, after the words "continuous service", the following words shall be inserted; namely:—

"with retrospective effect from the date of his appointment"

5. Rule 15 of the said rules shall be omitted.

6. In rule 18 of the said rules, the following marginal heading shall be inserted namely—

"ACCUMULATIONS PAYABLE ON RETIREMENT OR ON BEING DECLARED MEDICALLY UNFIT."

7. In clauses (1) and (2) of the proviso to sub-rule (1) of rule 19 of the said rules, the word "legal" shall be omitted.

8. In rule 24 of the said rules, for the word "appended", the words "set forth in the Second Schedule" shall be substituted.

9. Rule 26 of the said rules shall be omitted.

10. After the First Schedule to the said rules, for the Heading "FORM OF AGREEMENT (RULE 24)", the following Heading shall be substituted; namely:—

"SECOND SCHEDULE (RULE 24)

Form of Agreement"

[No. 10-14/60-Com. II.]

SANTOKH SINGH, Under Secy.

## MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

*New Delhi, the 27th January 1962*

**S.O. 432.**—In exercise of the powers conferred by sub-section (1) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints Shri S. Ramachandran, Private Secretary to the Minister of Transport and Communications, as Member-Secretary of the Shipping Development Fund Committee and makes the following amendment in the notification of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. 33-MS(222)/58-II. dated the 17th March, 1959. namely:—

In the said notification, after item (v), the following shall be inserted, namely:—

"(vi) Shri S. Ramachandran, Private Secretary to the Minister of Transport and Communications—Member-Secretary."

[No. 33-MD(106)/61.]

B. P. SRIVASTAVA, Dy. Secy.

**(Department of Communications and Civil Aviation)***New Delhi, the 1st February, 1962.*

**S.O. 433.**—In exercise of the powers conferred by sub-section (3) of Section 8 of the Provident Funds Act, 1925, (19 of 1925), the Central Government hereby adds the name of the Air India, International Corporation to the Schedule to the said Act.

[No. 7-CA(11)/60.]

**S.O. 434.**—In exercise of the powers conferred by sub-section (2) of Section 8 of the Provident Funds Act, 1925, (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Air India International Corporation.

[No. 7-CA(11)60.]

K. GOPALAKRISHNAN, Dy. Secy.

**MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS***New Delhi, the 2nd February, 1962.*

**S.O. 435.**—In exercise of the powers conferred by Sub-Section (2) of Section 8 of the Provident Funds Act, (XIX of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Sahitya Akademi, New Delhi.

[No. F. 26-11/60-C. 4 (i).]

**S.O. 436.**—In exercise of the powers conferred by Sub-Section (3) of Section 8 of the Provident Funds Act (XIX of 1925), the Central Government hereby directs that the name of the following public institution shall be added to the Schedule to the said Act, namely:

"The Sahitya Akademi, New Delhi".

[No. F. 26-11/60-C. 4 (ii).]

T. S. KRISHNAMURTI, Dy. Secy.

*New Delhi, the 5th February 1962*

**S.O. 437.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the "Regional Offices (Class III and Class IV Posts) Recruitment Rules, 1959" published in the Notification of the Ministry of S.R. & C.A. No. S.O. 2169, dated the 25th September, 1959 and No. F. 19-73/57-T.1 dated the 30th June, 1960, namely:—

1. These rules may be called the Regional Offices (Class III and Class IV posts) Recruitment (Amendment) Rules, 1962.

In the Schedule to the Regional Offices (Class III and Class IV posts) Recruitment Rules, 1959 in the entry in Column 15 against S. No. "5 L.D.C.", the following paragraph shall be added, namely:—

"Physically handicapped persons who are otherwise qualified to hold clerical posts and who are certified as being unable to type by the Medical Board attached to the Special Employment Exchanges for the Handicapped (or by a Civil Surgeon where there is no such Board) shall be exempted from typing qualification."

[No. F. 19-73/57-T.1.]

A. B. CHANDIRAMANI,  
Dy. Educational Adviser.**MINISTRY OF IRRIGATION AND POWER***New Delhi, the 29th January 1962*

**S.O. 438.**—In the Notification of the Government of India in the Ministry of Irrigation and Power, S.O. No. 2413, dated the 23rd September, 1961, for the words

"Union Territories & Nicobar Islands and within the State of Pondicherry", the words "Union territories of Himachal Pradesh, Manipur, Tripura and Andaman & Nicobar Islands and within the State of Pondicherry and Nagaland" shall be substituted.

[No. ELII-3(7)/61.]

### ORDER

*New Delhi, the 29th January 1962*

**S.O. 439.**—In the Order of the Government of India in the Ministry of Irrigation and Power, S.O. No. 2414, dated the 23rd September, 1961, after the words "State of Pondicherry" the words "and Nagaland", shall be added.

[No. ELII-3(7)/61.]

N. S. VASANT,  
Officer on Special Duty.

### MINISTRY OF REHABILITATION

*New Delhi, the 30th January 1962*

**S.O. 440.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the state of U.P. specified in the enclosed Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquire the said evacuee properties (Specified in the enclosed schedule).

### SCHEDULE

List of urban property for acquisition in U.P.

S. No.	Particulars of property with locality	Name of the town in which it is situated	Name of the evacuee with his percentage
1	Shop situated in Behat, Teh. & Distt. Saharanpur, Boundaries are below :— East :—Gali, West :—Gate of Pir, North :—Way. South :—House of Nazir.	Saharanpur	Mohd. Hassan & Saba Najer sons of Gulam Sabir.

[No. 1(1217)58/Comp. III/Comp. & Prop.]

**S.O. 441.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the State of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), it is.

notified that the Central Government has decided to acquire and hereby acquires the said evacuee properties specified in the schedule below:—

*Urban area of village Tehar*

Sl. No.	Khewat No.	Khasra No.	Area	Name of the evacuee with the rights in property	Remarks
1	1/10	749/2 983	3—16 4—9	Abdul Rihim and Abdul Hakim Rashid ss/o Shamsher Khan (in equal share)	Ownership
2	1/4	748/2	1—13	Musafar s/o Ilai Bux	Do.

*Urban area of Village Kalusarai*

3	18/20	108	2—1	Mehrbani Rahimu ss/o Khuda Bux 1/3rd share. Rahman Bux s/o Mukhetiar 1/12th share. Sh. Makaudali & Mukhuza in equal share s/o Hamid 1/12th share. Wahid s/o Hasan Khan 1/12th share. Ajmeri Shamsheri (in equal) s/o Sardar 1/6th Share. Ida s/o Rustam 1/6th share, evacuees with mortgage and Sh. Gaphur Bux s/o Mola Bux 1/12th share evacuee mortgagor. Sh. Ram Singh s/o Sahni non-evacuee mortgagee. Right of mortgagee had been vested in the Custodian.	
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*Urban area of Village Kilokri*

4	3 Do.	253 1161/442	2—14 1—0	Rishal s/o Iwaz	Ownership
		Total	3—14		
	Do.	626/1	3—14		
		284	3—2		
		Total	6—16		Ownership evacuee occupancy right non-evacuee.

[No. 13(2) (C. & P.) /62.]

M. J. SRIVASTAVA,

Settlement Commissioner and *Ex-Officio*, Under Secy.

(Office of the Chief Settlement Commissioner)

*New Delhi, the 30th January 1962*

**S.O. 442.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri R. K. Sibbal as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/47/ARG/61.]

**S.O. 443.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri R. K. Sibbal, Assistant Settlement Officer under the



Settlement Commissioner (Government Built Property), New Delhi, as Managing Officer, for the Custody, management and disposal of Compensation pool with effect from the date he took over charge of his office.

[No. 8/47/ARG/61.]

KANWAR BAHADUR,  
Settlement Commissioner (A) and *Ex-Officio* Dy. Secy.

## DELHI DEVELOPMENT AUTHORITY

### CORRIGENDUM

*New Delhi, the 31st January 1962*

**S.O. 444.**—In the notification No. L. 2(28)56, dated 7th April, 1960, in respect of the land measuring 80 sq. Yds. Kh. No. 1436/153 may be read in place of Khasra No. 1134/52

[No. L. 2(28)56.]

R. K. VAISH, Secy.

## MINISTRY OF LABOUR & EMPLOYMENT

*New Delhi, the 31st January 1962*

**S.O. 445.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kessurgarh Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE NO. 60 OF 1961

### PARTIES:

Employers in relation to the Kessurgarh Colliery

AND

Their workmen.

### PRESENT:

Shri Salim M. Merchant, B.A.L.L.B., Presiding Officer.

### APPEARANCES:

Shri Arjun Agarwala with Shri Sita Ram Agarwala, Chief Accountant, Kessurgarh Colliery, *for the employers.*

Shri Prosanta Burman, General Secretary, Bihar Koyala Mazdoor Sabha, *for the workmen.*

STATE: Bihar.

INDUSTRY: Coal.

*Dhanbad, dated the 24th January 1962*

### AWARD

The Government of India, Ministry of Labour & Employment, by Order No. 2/79/61-I.R.II dated 31st July 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said order for adjudication to me.

### SCHEDULE

"Whether the management was justified in dismissing Shri Shiba Mahato, and if not, what relief he is entitled to?"

2. At the adjourned hearing of the dispute on 23rd January 1962, after some discussion, the parties reached a settlement by which the management agreed to pay Rs. 900/- to Shiba Mahato, the dismissed workman in full and final settlement

of all claims including his claim for reinstatement in service. The management further agreed that if payment of bonus for the last quarter during which Shri Mahato was in service in Kessurgarh colliery is outstanding, the same will be paid to him within a month from 23rd January 1962.

3. The parties have filed an application incorporating the above terms of settlement and have prayed that an award be made in terms of the above settlement. A copy of the said application is annexed hereto and marked Annexure A. The payment of Rs. 900/- has been made to Shri Shiba Mahato on behalf of the employers by Shri Arjun Agarwala.

4. On the facts and circumstances of the case, I am satisfied that this is a fair and reasonable settlement and I therefore make an award in terms thereof, and Annexure 'A' to this award shall form part of the award. No order as to costs.

SALIM M. MERCHANT,  
Presiding Officer,  
Central Government Industrial Tribunal, Dhanbad.

Dhanbad.

The 24th January 1962.

#### ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 60 OF 1961

#### PARTIES:

Employers in relation to the Kessurgarh Colliery  
AND

Their workmen.

Re: Order No. 2/79/61-LR II dated 31st July 1961

#### Memorandum of Settlement

May it please the Tribunal:

We the parties abovementioned have settled this dispute on the following terms:—

1. Shri Shiba Mahato accepts payment of Rs. 900/- (rupees nine hundred only) in full and final settlement of all his claims including his claim for reinstatement in service.

2. Shri Shiba Mahato acknowledges receipt of this amount in court paid on behalf of the employers by Shri Arjun Agarwala.

3. If payment of bonus for the last quarter during which Shri Mahato was in service in Kessurgarh colliery is outstanding the same will be paid to him by the management within a month from today.

The parties pray that the Tribunal may be pleased to dispose of this dispute as settled on the above terms and make an award in terms thereof.

No order as to costs.

For the Employers:

Dhanbad, 23rd January 1962.

SITA RAM AGARWALA,  
Chief Accountant,  
Kessurgarh Colliery.

For the workmen:

PRASANTA BURMAN,  
General Secretary,  
Bihar Koyla Mazdoor Sabha.

नो सो रूपाया पाया

Before me.

शिबा महटो

SALIM M. MERCHANT,

२३-१-६२

[No. 2/79/61-LR II.]

*New Delhi, the 2nd February 1962*

**S.O. 446.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the North Chirimiri Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. 35 of 1960.

Employers in relation to the North Chirimiri Colliery.

AND

their workmen.

**PRESENT:—**

Shri Salim M. Merchant, B.A. LL.B., Presiding Officer.

*Dated, Bombay, 12th January, 1962*

**APPEARANCES:**

*For the Employers.*—Shri S. S. Kapur, Chief Personnel Officer with Shri H. S. Saini, Manager, North Chirimiri Colliery.

*For the workmen.*—Shri Gulab Gupta, Vice-President, Chattisgarh Colliery Workers' Federation, P.O. Chirimiri, Dist. Surguja, M.P.

**INDUSTRY:** Coal Mining.

**STATE:** Madhya Pradesh.

#### AWARD

The Government of India, by the Ministry of Labour and Employment's Order No. 1/72/59-LRII, dated 8th November, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer the industrial dispute between the parties above named, in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

#### SCHEDULE.

"1. Are the Loaders in the North Chirimiri Colliery pushing empty tubs?

2. If so, are they entitled to any extra allowance for this work?

3. If they are entitled to any extra allowance, what should be the rate of the allowance payable and from which date after 8th June, 1959?"

2. After the notices were issued, the Chhattisgarh Colliery Workers' Federation, Chirimiri, hereinafter referred to as the Union, filed its written statement of claim dated 23rd December, 1960, to which the Manager of the North Chirimiri Colliery (hereinafter referred to as the Colliery), filed its written statement in reply dated 19th January, 1961, after which the dispute was at first heard at Bombay on 19th and 20th June, 1961, and thereafter on the application of the Union to which the management had no objection, the matter was fixed for hearing at Chirimiri (Kurasia) on 18th December, 1961, where it was heard on the 20th and 21st December, 1961.

3. At the hearing the parties did not raise any issues beyond the three issues specified in the order of reference. Both parties at the hearing led oral evidence and filed documents and made detailed submissions in support of their respective contentions.

4. At the outset, it is necessary to state that it is admitted by the management that the practice in the Colliery prior to the Award dated 26th May, 1956, of the All India Industrial Tribunal (Colliery Disputes), (hereinafter referred to as the Majumdar Award), was for Loaders to push the empty tubs. According to the management this practice was stopped on coming into force of the Majumdar Award, but the Union's case is that the Loaders are even now being made to push empty tubs in the Colliery. The North Chirimiri Colliery is one of the big Collieries of the Korea Coal Field and employs, as stated at the hearing by the management, about 250 Loaders of whom about 100 are Gorakhpuris. The average monthly raising of coal in this colliery is about 10,000 tons, and there is no doubt that this colliery has been earning substantial profits. It is admitted that the tubs used in this colliery are of 45 c.ft. size.

5. There is no doubt that the claim for an extra allowance to loaders for pushing empty tubs is based on certain observations and directions contained in the Majumdar Award. The Majumdar Tribunal in Para 604 at page 160 of its Award, observed, and directed, as follows:—

“There is a demand that where miners are required to push tubs, whether empty or full, the miner's should be paid extra where the distance exceeds 100 ft. Shri Ginwalla has opposed the same. We agree that it is not the duty of the miners to push the tubs; it is the trammer's job. If there is any distance limit for the trammers in any of the collieries and if the miners are asked to push the tubs, it is only reasonable that they should be paid a consolidated payment of Rs. 0-1-0, for every 100 ft. or part thereof in excess of the first 100 ft.”

It is admitted that this direction by the Majumdar Tribunal, appears only in the section of its award applicable to collieries in Bengal and Bihar and it does not appear with regard to the collieries of Madhya Pradesh, but it was admitted at the hearing that after the Majumdar Award, all the other collieries in the Chirimiri area have been paying an extra allowance for the pushing of empty tubs to its miners at the rate prescribed by the Majumdar Award, they having accepted the principle underlying the direction of the Majumdar Award, that it is not the duty of the loaders to push the empty tubs. Even this colliery has accepted the principle underlying this demand that it is not the duty of loaders to push empty tubs, because its case, as I shall presently show is that after the Majumdar Award it had employed Trammers to do the work of pushing empty tubs, and does not make the loaders do this work.

6. The history of this dispute, according to the Union, is that after the Majumdar Award, this union by its letter dated 15th October, 1956, addressed to the Junior Labour Inspector (Central), Chirimiri, raised an industrial dispute by claiming an extra allowance to Loaders for pushing empty tubs. The Union has produced copy of its said letter with endorsement of the Junior Labour Inspector, Shri Shirsat under date 23rd October, 1956, in acknowledgement of the receipt of the said letter. But the management has denied any knowledge of that letter. Be that as it may the management, does not deny knowledge of the Union's letter to the Conciliation Officer, dated 10th March, 1959, in which it had made this demand, but it does not admit knowledge of the Union's subsequent letter of 4th June, 1959, on the same subject. It appears to me that the reference in the schedule to the order of reference to 8th June, 1959, has relation to Union's letter of 4th June, 1959, under which this demand was agitated by the Union before the Central Government Conciliation Machinery.

7. It is, however, admitted that on 22nd August, 1959, the Conciliation Officer (C), held Conciliation proceedings at Chirimiri over the Union's demand for payment of extra allowance for loaders of this colliery for pushing empty tubs with effect from 26th May, 1956. The Union had then stated that loaders were made to push empty tubs (more popularly referred to as 'empties') to the extent of 1,200 ft. without being paid any thing extra for this work. It, therefore, claimed extra allowance for the Loaders at the rate of Rs. 0-1-0, for every 100 ft. of empty tubs pushed in excess of the first 100 ft. for every tub of 36 c.ft. The management's case, before the Conciliation Officer was that in its colliery there was no tub pushing work done by the loaders, as the management had appointed time-rated trammers for performing this job from the beginning and that whenever there had been any occasion for pushing of tubs by loaders, the management utilised the loaders for that purpose on time-rated basis and also paid them accordingly and, therefore, there was no merit in the dispute raised by the Union. In view of this controversy over facts it was agreed by the parties that the matter be investigated “on the spot” by the Conciliation Officer (C), Shri P. N. Razdan, and accordingly on 22nd August, 1959, Shri Razdan accompanied by the representatives of the parties and the Central Labour Inspector (Chirimiri) went underground in Incline No. 6. It is admitted that this colliery is worked in two Inclines—Incline No. 6 and Incline No. 4. Now, the reference to what was noticed at this “on the spot enquiry” is stated as follows in the failure Report dated 1st October, 1959, of the Conciliation Officer (Central), Shri P. N. Razdan, copy of which the company has annexed to its written statement as Annexure ‘C’ thereto and which has been taken on record as Ex. W9:—

“In view of the controversy over facts, it was agreed that the matter be investigated on spot and another meeting if necessary be fixed for considering the dispute further. Accordingly, in the evening of 22nd

August, 1959, I went under ground in Incline No. 6 of the mine along with the representatives of the Union and the management and the Labour Inspector (Central), Chirimiri for the purpose of enquiring into the matter. During the enquiry, 16 workers of different categories like loaders, trammers, overmen etc., including some Gorakhpuri workers were questioned on the issue. They all stated that the empty tubs were pushed by the loaders from the haulage ends to the working faces".

Thereupon, the management appears to have suggested that an enquiry at the other Incline, should also be made of the workmen, but as it was late that evening about 8.30 p.m., it was agreed that the enquiry in Incline No. 7 should be made after some days by the Labour Inspector (C), Chirimiri, along with the representatives of the parties. Accordingly, he conducted the enquiry in Incline No. 7 on 29th August, 1959, in the presence of the Manager of the Colliery and the Union Secretary. The Failure Report of the Conciliation Officer dated 1st October, 1959, has recorded the result of that on the spot enquiry, in the following terms:—

"While questioning the workers, the Labour Inspector was told by some workers that the empty tubs were not pushed by the loaders but by time rated trammers, and some other workers stated to him that this item of work was done by the loaders." (Ex. W-9).

8. Thereupon, conciliation proceedings were again held on 25th September 1959, when the representatives of the Union re-iterated the stand that empty tubs were pushed by loaders upto the average distance of 1000 ft. from the haulage ends to the working faces, without any extra allowance being paid for such work. The demand of the Union was based on the contention that pushing of empty tubs was not the legitimate duty of loaders—who it is admitted are piece-rated—but was an extra or additional duty performed by them for which they were entitled to be additionally or separately compensated—and they relied in support of their demand, upon the duties of loaders as stated in the Majumdar Award and the observation in Para 604 of that Award, extracted above. The Union's representatives further stated that the Union had been pressing this demand on the management, which had not paid any heed to it and cited that by its letter dated 24th February 1959 it had made this demand—(being demand No. 12—of that letter) which it had addressed to the Manager of the Colliery. It, therefore, demanded that the management should be directed to pay the loaders the extra allowance at the same rate as stated in Para 604 of the Majumdar Award, with effect from 26th May 1956.

9. The management's contention was that there was no direction for payment of such an extra allowance by the collieries of the Korea Coal Field either in the Majumdar Award or the decision of the Labour Appellate Tribunal; that in any case they had appointed time rated trammers to push empty and loaded tubs from the haulage and to the working face; that the layout of the haulages in the mine is such that there can never be pushing of empty tubs for more than 400 ft., at any time and that this work was being done by their time rated trammers. With regard to the statements of the workers at the on the spot enquiry, that loaders pushed empty tubs, the management stated that those workers had not spoken the truth, that the management had issued definite instructions that empty tubs should not be pushed by loaders and if in spite of this, if at all, any loaders did this work, the management was not liable for payment. These instructions were said to have been issued verbally and the management pointed out some entries made by the under ground tub munshis in their daily raising reports that empty tubs were pushed by trammers. The Conciliation Officer in his Failure Report has with regard to these entries, observed:—

"These entries were seem to have been made by one tub-Munshi sometimes but not as a regular daily feature. I was shown three such daily reports relating to different dates."

10. In view of these conflicting position with regard to the factual position, the conciliation proceedings ended in failure and the Conciliation Officer made his failure Report dated 1st October 1959, after which Government was pleased to make this reference dated 8th November 1960.

11. The Union in its written statement dated 23rd December 1959, has reiterated the submissions which it had made before the Conciliation Officer. It has urged that it did not press the demand made by it by its letter dated 15th October 1956 to the Junior Labour Inspector(C), Chirimiri, because of the pendency then of the appeals before the Labour Appellate Tribunal against the

Majumdar Award, that the Majumdar Award as modified by the Labour Appellate Tribunal was implemented by this colliery only in about January 1959, after the Tripartite decision at which the colliery owners were persuaded to withdraw the Special Leave to Appeals which they had filed in the Hon'ble Supreme Court against the decision of the Labour Appellate Tribunal's and that it was when the management failed to pay anything extra to the loaders for pushing empties when after it started implementing the Majumdar Award that the Union had addressed to the management its letter of 24th February 1959, to which the management gave no reply. The Union in its written statement has referred to the on the spot enquiry held by the Conciliation Officer in this Colliery on 22nd August 1959 and by the Labour Inspector on 29th August 1959. It has stated that the all the other collieries of this coal field have started making payment to loaders for pushing empties at rates fixed by the Majumdar Award and it has specifically named 5 collieries viz., the Chirimiri Colliery, the West Chirimiri Colliery, the North Jhagrakhand Colliery, the South Jhagrakhand Colliery and the West Jhagrakhand Colliery. Referring to the actual working of the practice, it has stated that empty tubs are distributed to loaders by Munshis at the haulage point and after the loaders get their empty tubs they push them to their working faces and load them and it is only after they are loaded that Trammers take charge of the tubs and push them out of the mine. It has submitted that this practice has been in force since the beginning. With regard to the distance to which the empty tubs have to be pushed, the Union has stated that the distance is never less than 700 ft., in the majority of cases it is above 1000 ft. and in some case the distance is 1400 ft. that the topography of the mine is such that a loader can load one tub in the time he takes to push three tubs. The Union has claimed that considering the topography of the mine and the exertion involved in the work of the higher rate of 10 n.p. per 36 c.ft. tub for pushing 100 ft. would be justified. It has accordingly claimed that for pushing tubs of larger or smaller size than the standard tub of 36 c.ft. this rate should be varied proportionately. The Union has complained that the Government has done an injustice to the workmen by limiting the claim for a period after 8th June 1959, though from the record and on the facts payment for this work to the loaders would be justified from the date of the Majumdar Award viz. 25th June 1956. It has, therefore, prayed that the Tribunal should Award—

- (a) that the loaders of the North Chirimiri Colliery are pushing empty tubs on average of 1000 ft. for which no payment is made;
- (b) that loaders are entitled to extra payment for this work at 10 n.p. for every 100 ft. or part thereof for a standard tub of 36 c.ft.;
- (c) that though the demand for payment at the above would be justified from 26th May 1956, in view of the Order of Reference it should be Awarded after 8th June 1959;
- (d) Costs to the Union of this reference.

12. The management in its written statement has relied upon the statement made by it in its letter dated 20th July 1959 addressed to the Conciliation Officer (Central), Jabalpur in reply to his letter of 14th July 1959 in which the Manager of the Colliery, Shri H. S. Saini (E.W. 1 in this case) had stated that "empties are being pushed to the faces by the time rated trammers and the same is the case in respect of loaders" (annexure 'A' to Company's written statement); that this Union was in the habit of making baseless and belated claims as an instance of which the management drew attention to the Union's allegation as stated in the Conciliation Officer's letter of 14th July 1959, that the loaders were also pushing loaded tubs. The company in its written statement has further stated that "if in any particular shift, because of the unseen absence of trammers, it was not possible to push empties, in such cases loaders were taken out to do the job and paid on time rate." The management has denied the Union's allegations of its failure to reply to the letters of the Union and has in para 7 of its written statement averred that, "with the trammers pushing the empties no payment could ever be made to loaders." With regard to the on the spot enquiry held by the Conciliation Officer under-ground on 22nd August 1959 the company has stated that the company listened to the verbal statements of the workers and did not observe the actual work of pushing of empty tubs and that the workers had made contradictory verbal statements. It has stated that the finding was not unanimous evidently relying upon the observations made in the Conciliation Officer's failure report dated 1st October 1959 (Annexure 'C' and Ex. W. 9), relating to the inspection held by the Labour Inspector (C) on 29th August 1959, when some workers had stated that loaders push the empties and some that empties are pushed by trammers. In Para 10 of its written statement the manager has stated that, "when job of pushing empties was never performed

by the loaders the question of making payment for the same does not arise." The Company has relied upon the fact that whilst there was a direction in respect of the Wardha Valley Coal Field for payment of extra allowance for pushing empties, there was no such direction with regard to the Korea Coal Field in the Majumdar Award. The management has argued that the Majumdar Award must be deemed to have taken the pushing of empties as part of the duty of loaders when it fixed the work load for the loaders and that is the reason why no separate allowance for pushing empties was fixed for loaders; that the management, "had been gracious enough to provide time rated trammers for pushing empties and thereby the question of payment of empty allowance is put at rest." The management has argued that the demand is not justified because the Union in its Appeal to the Labour Appellate Tribunal against the Majumdar Award had not made a claim for this allowance for loaders and that it must therefore be assumed that it was the loaders duty to push the empties. With regard to the distance over which empties are pushed the company in para 10 of its written statement has stated that the lay out of the mines is such that there can seldom be pushing of tubs for more than 400 ft. at any time. "With reference to the observations and directions in para 604 of the Majumdar Award, the management has stated that the same apply to the Bengal and Bihar Coal Fields and not the Korea Coal Field. It has denied that the conditions of mining in this colliery are difficult and has stated that the mining conditions are easier in as much as the "inclination is level, the mine is non-gassy, depth of the working is less and Coal seam is fairly thick and no difficulty in pushing of empties is involved." The management has, therefore, denied liability to meet the demand of the workmen and it has stated that they are not entitled to any relief whatsoever.

13. As stated earlier, both parties have led oral evidence in support of their respective contentions. The Union has examined in all 8 workmen of different categories, in support of its case that empties were being pushed by loaders and the management examined 6 witnesses, including the Manager of the Colliery, Shri H. S. Saini (E.W. 1) in support of its contention that after the Majumdar Award came into force on 26th May 1956, it had stopped loaders from pushing empties and had engaged additional time rated trammers to push the empties. The Management has through its witnesses filed certain daily raising reports to establish that empties were pushed by trammers. I shall refer to this oral and documentary evidence on record when I deal with the various contentions of the parties.

14. On the first issue, the important fact to remember is that it is admitted that the practice in this colliery has always been for the loaders to push the empty tubs. The Union's case is that this practice has continued even till today, whilst the company's case is that after the Majumdar Award, the company was not getting this work i.e. work of pushing empty tubs, done by the loaders, but had employed time rated trammers for it. The Union has examined in all eight workmen working in this colliery, all of whom have stated in their evidence that the practice of pushing empties by loaders continues in this colliery upto this date. The Union's eight witnesses are workmen of various categories such as Tulsī Ram Shukla, Underground Munshi (W.W. 1), Madan Lal son of Ram Dayal (W.W. 2), Shafiq Ahmed son of Faqir Mohamed (W.W. 3) and Aziz son of Khan Mohamed (W.W. 7) who are three loaders cum coal cutters; Jani Sai son of Bhai Ram, Loader (W.W. 5), Ramji Tiwari, son of Murdas Ram Tiwari (Underground clipper) (W.W. 6) and Shambhu Nath Singh (Pump Driver) (W.W. 8) and all of them deposed to loaders pushing empties even after the Majumdar Award upto the present date. The management's case as put to these witnesses in cross examination and as sought to be established through its witnesses was:—

1. That after the Majumdar Award came into force it had issued oral instructions and later written instructions that loaders should not be made to push empties.
2. That after the Majumdar Award it had employed time rated trammers to push the empties and that after the Majumdar Award the loaders had never pushed the empties.
3. That after the Majumdar Award, when, because of the absence of trammers, loaders were made to push empty tubs, they were paid wages of trammers.

15. The Manager of the Colliery, Shri Harjit Singh Saini (E.W. 1) who has been in service of this colliery since September 1954, stated in his examination-in-chief that before the Majumdar Award the loaders used to push the empty tubs, but after the Majumdar Award trammers were engaged to push the empty tubs;

according to him in Incline No. 7—whilst there were 11 trammers employed prior to the Majumdar Award, at present the number of trammers employed there is 26. In Incline No. 4 the number of trammers engaged before the Majumdar Award was 9, whilst their number now was 14; that in No. 7 Incline the Company had employed 6 trammers specially for pushing empty tubs and in No. 4 Incline during six hours in each shift all the trammers do the work of pushing empty and loaded tubs; that at the time of change over of the shifts two trammers are detailed for pushing empties only. His case was that after the Majumdar Award instructions had been issued orally to all the assistants and supervisors that empty tubs were to be pushed only by the trammers and he stated that he knew that those instructions had been carried out. He further stated that Munshi had been instructed to mention in their daily raising reports that the trammers had pushed the empties. He identified the raising report of under-ground munshi, Tulsi Ram (Ex. E. 1) which contained an endorsement that empties in the shift in respect of which he had made those raising reports, had been pushed by the trammers. He stated that other munshis had made similar endorsements in their raising reports and that even after the dispute was heard at Bombay in June 1961—Munshi Tulsi Ram had continued to make such endorsements on his daily raising report and he tendered 11 such raising reports of Munshi Tulsi Ram (Ex. E. 4 collectively). He also produced copy of his circular letter dated 31st July 1961 (Ex. E. 5) which contained a reminder to underground munshis and other officers that all pushing of empties to the working faces was to be done by the trammers and loaders should on no account be allowed to push empties.

16. In cross-examination, he admitted that he was present at the time of the on the spot enquiry held by the Conciliation Officer on 22nd August 1959 and by the Labour Inspector (C), Chirimiri, on 29th August 1959, and that he had seen the Failure Report of the Conciliation Officer dated 1st October 1959 and that in spite thereof he had not made any written protest against the statements there made, that the 16 workmen whom the Conciliation Officer had questioned had stated that empties were pushed by loaders. When questioned about the month in which the Majumdar Award was implemented in this colliery, he could only say that it was implemented in 1956, but could not give the month in which it was implemented nor was he sure of producing the notice intimating implementation of that award. He had no idea how many tubs the loaders were loading when they were pushing empties. After much hesitation he admitted that the raising in this colliery had been higher each year for the last 2 or 3 years. Questioned about the six trammers whom he stated in his examination-in-chief the company had employed after the Majumdar Award, solely for the purpose of pushing the empties, he could not give the dates of their appointment, but stated that the particulars could be found in the Form 'B' Register,—but that Register was never produced. When further pressed, he admitted that these six trammers were never issued any appointment letters and that there was nothing in writing to show that six trammers were appointed after Majumdar Award for pushing empty tubs. He latter stated that six additional trammers had been appointed in each shift after the Majumdar Award in Incline No. 7 and that in Incline No. 4, two trammers had been appointed after the Majumdar Award in each shift for pushing empties. Questioned whether these two trammers had been produced before the Conciliation Officer, Shri Razdan, on the day of the on the spot enquiry, he stated that he did not produce them before Razdan, but later he added that he did not remember whether he had produced them or not. He further stated that he did not remember whether loaders were issued slips showing the number of tubs loaded by them—as required by para. 17 of the Payment of Wages (Mines) Rules. He admitted that it was not necessary to show in any column the number of empty tubs pushed by trammers and loaders. He did not know whether Munshi Tulsi Ram had made similar remarks about trammers having pushed the empties in the raising reports in 1958, but though he stated that even prior to 6th June 1959 Munshi Tulsi Ram had made such remarks, he could not produce any such reports. In re-examination he clarified that the Conciliation Officer Shri Razdan though he had been upto a working face, had not seen any pushing of tubs by either loaders or trammers.

17. The second witness on behalf of the management, Gayanchand Sharma, Underground-In-charge (E.W. 2) in his evidence stated that he had been working in this colliery since 1948 and supervises all the 3 shifts working under instructions of the Manager. According to him at the end of 1956, they had received oral instructions that loaders should be supplied with empties. But he corrected himself and said that the instructions to that effect were issued two or three months later, and that upon these written instructions having been issued two additional trammers were engaged in each shift in Incline No. 4, of which he



was in charge. After August/September 1956, he had not received any reports that loaders were being made to push empties. He further went to the length of stating that he had never seen loaders pushing empties, when he went underground in discharge of his duties. But when complaints were received from loaders that they were not getting sufficient empty tubs enquiries were made of munshis, who stated that they were getting empty tubs regularly, and it was thereupon that Munshis were asked to make endorsements in their daily raising reports that trammers were made to push empty tubs and that thereafter munshis started making such remarks and thereupon no complaints were received from loaders that they were not getting a proper supply of empty tubs. But his testimony was considerably discredited in cross examination when he stated that the management had made no efforts to trace the written instructions which according to him the management had issued two or three months after July/August 1956 that loaders should not be allowed to push empty tubs. He stated that in Incline No. 4 there were no trammers specifically doing the job of pushing only empties. That the orders asking munshis to note in their daily raising reports the names of the trammers who pushed empties was issued about 3 to 2½ years ago from the date on which he gave evidence on 20th December 1961. He further stated that he was not aware in 1959 that the loaders were asking an extra allowance for pushing empties. He admitted that he was member of the Executive Committee of the Branch Union of the Federation in North Chirimiri Colliery during 1958-1959, yet he denied that he knew anything about the loaders claim for special allowance for pushing empty tubs, which the Union had made. It was, however, ascertained from him that the Union had put up a claim and raised an industrial dispute regarding payment of underground allowance to him and that the dispute after being taken in Conciliation was left to the arbitration of the Conciliation Officer, and he was paid underground allowance in terms of that award. He was forced to admit in cross examination that the Union had acted for him throughout those proceedings which had lasted for about one year during 1959-60. Yet he stated that he was even during that year unaware of the activities of the Union. It was the Union's case that it was this witness who had furnished it with particulars with regard to the instant claim. He cut a sorry figure in the witness box throughout and it seems to me that this witness after being active in the Union had changed sides and had gone over to the side of the management. His evidence was contradictory and he made statements which are impossible to accept. I am not at all prepared to accept his evidence which he appears to have been tutored to give.

18. The next witness for the management, Shri Maki Muiddin, the only loader-cum-cutter, examined at the hearing, in his brief evidence stated that he was working as a loader-cum-coal-cutter in Incline No. 7 for the last about 2 years; that ever since he started working in this colliery—empties were supplied to loaders by trammers. I hesitate to accept his evidence. In cross-examination it was ascertained that since the last two months, prior to his giving evidence in Court on 20th December 1961, he had been promoted as a time rated trammer, the Union's suggestion being that this promotion was granted to him as a reward for the evidence he had promised to give and had given. Besides, it is significant that out of the large number of loaders-cum-coal cutters in this colliery, the management could get only this witness to depose in its favour—and that too only after he had ceased to work as loader-cum-coal cutter.

19. The next witness for the management, Mahomed Shahid son of Azimuddin (E.W. 4), gave his designation as empty trammer, and in his evidence stated that he had been employed in this colliery in Incline No. 7 since 1959. He stated that there were five other "empty trammers" besides himself and these six only pushed empty tubs and that they go underground with the loaders, whilst the other trammers go underground before them. In his cross examination he stated that no new trammers were appointed after he was appointed and that when he was appointed the other five trammers were already working. There is, however, no written order about his appointment. Besides, he admitted that he had not been given his bonus card nor his provident fund card, which he should have got if he had put in 2 years service as claimed by him. In the absence of any reliable written record to support his statements, I hesitate to accept his evidence. His statements with regard to the other 5 trammers is also not in conformity with the other evidence.

20. The next witness for the management Shri Balkrishna son of Rudra Dutt, General-in-charge of the Colliery (E.W. 5) gave details of the numbers of Trammers employed in each Incline prior to and after the Majumdar Award, but these particulars are not in conformity with those given by the manager of the colliery.

With regard to the oral instructions given to munshis that they should make endorsements that trammers had been made to load empties, this witness stated that these instructions were issued to him only about 2 to 3 years ago i.e. in about 1958 or 1959, whilst the other witness of the management, particularly the Manager, had stated that the oral instructions were issued above six years ago—in 1956, after the Majumdar Award. This witness further stated in cross-examination that the written instructions that loaders should not be allowed to push empties were first issued by the Manager's circular dated 31st July 1961 (Ex. E. 5). He deposed to having received this circular letter, though he was not one of the officers to whom copy of that circular had been endorsed. Though he was general-in-charge, he could not remember whether Meki Muidden and Mahomed Shahid were pushing empties. He did not know how payment to loaders, who are piece-rated, is made when they are asked to work as Trammers and push the empties, trammers admittedly being time rated. He stated that written orders to loaders who are asked to work as trammers are issued by the munshis, but when challenged to produce even a single such written order, he said that he could not produce any specimen of such a written order even if time was given to him to produce it. He could not further state in which category loaders who are made to work as trammers are paid. I am afraid this witness has given evidence on many points of which he had no personal knowledge, and it appeared to me that he came to support the company's story.

21. The last witness for the management, Narayan Chander Majumdar (E.W. 6) is an underground munshi. He stated that since 1956-57 loaders were pushing empties; that he had received oral orders that empties should be pushed by trammers and not by loaders, but he could not say when those orders were received. As regards the written instructions he said that the same had been issued only about 2 or 3 years ago. He produced 18 daily raising reports of different dates, in which he had made endorsements that all empties were pushed by trammers (Ex E. 6-collectively). In cross examination he stated that there was no regular absenteeism among trammers, whilst earlier witnesses had stated that there is a high percentage of absenteeism among trammers. He admitted that he was a complainant against another worker, Shri Ahmed, who had on his complaint been dismissed from service and that the Union had taken up the said Ahmad's case and was defending an application made by the management to dismiss Ahmad from service. This witness also struck me as having been produced to depose to a prepared story. It is significant that though he stated that he had received oral instructions that munshis should make remarks in their daily raising reports that trammers had pushed empty tubs many years ago, only 18 of his daily raising reports contained endorsement that the empties were pushed by trammers and that each of those reports should have been of a date after January 1960.

22. On this state of the oral and documentary evidence, I am not at all satisfied that the Company's story that loaders in this colliery were stopped from pushing tubs after the Majumdar Award came into force in 1956 is a true one. In my opinion this story has been made up with a view to avoid the loaders claim to be paid an extra allowance for pushing empty tubs on the basis of the observation and directions contained in the Majumdar Award at para 604 extracted above. It is admitted that the practice in this colliery from the time the colliery started working was for loaders' to push empty tubs. The Company's story, is that this practice was stopped immediately the Majumdar Award was implemented in this colliery in 1956. It is significant that at the hearing no one could give the date when the Majumdar Award was implemented in the colliery. The management says that this was done under oral instructions issued by the manager. In July/August 1956. It is difficult to accept that such an important change in the service condition of the loaders could have been made without a written order and should have been effected by an oral order. According to the management, no sooner the Majumdar Award was published and implemented the management immediately realised that loaders in its colliery would claim extra allowance for pushing empty tubs and therefore it issued the said oral orders and engaged additional trammers to do the work of pushing empty tubs. This explanation is also difficult to accept; remembering that as contended by the management the directions regarding payment of the extra allowance to loaders who push empty tubs was made with regard to the loaders of the Bengal Bihār Coalfield and no such direction was made with regard to the Korea Coal Field. Now, the story about additional trammers having been appointed to push empties is unsupported by any written record relating to the appointment of new trammers. Surely, if such a large number of new trammers were appointed solely because the loaders had been stopped from pushing empties, the Company could have established this from its Register of employees and their attendance or at least from the Register in Form 'B'; but it

has failed to produce any written record to prove the appointment of these additional trammers. The manager of the colliery, Shri H. Saini, cut a sorry figure in the witness box when he tried to support the story of the appointment of the six additional trammers for each shift. In cross-examination he stated:—

"I cannot give the names of the 6 trammers or their dates of appointment whom we had appointed for pushing the empties as stated by me. I shall be able to give their particulars from the B Register, which I have not brought with me. It may be in the office. The 6 trammers were not given any appointment letters."

The attempt made by the company to prove the appointment of these additional trammers by the oral testimony of its witnesses, has in my opinion failed dismally as the witnesses have contradicted themselves and it appeared to me that they had come to tell a prepared story. It is significant that only one loader-cum-coal cutter could be produced by the management to depose to trammers being made to push empties viz., Meki Muidden S.M.W. (E.W. 3) and even he was employed only about 2½ years prior to the date of his evidence and for the last 2 months prior to his giving evidence, had been promoted as time-rated trammer. It may be that some additional trammers may have been appointed by the colliery after the Majumdar Award, but they may have been appointed for increased production of coal, as there is sufficient evidence (Ex. E. 7) that the raising of coal in this colliery has gone up steadily each year since the Majumdar Award came into force. In fact, the Manager of the colliery, Shri Saini in cross examination was forced to admit—"there is nothing in writing to show that 6 trammers were appointed after the Majumdar Award for the work of pushing empty tubs". It may well be that additional trammers, if they were appointed, were really appointed for raising production and not because they were required to do the work of pushing empties, which loaders used to do.

23. According to the management it had soon after oral instructions were issued in July/August 1956, also issued written instructions that loaders should not be made to push empties, but it is significant that this written order was not forthcoming at the hearing. The only written order (if it can be called an order) on which this management seeks to rely is an N. B. in the circular letter of the management dated 31st July, 1961 (Ex. E. 5). That remark is as follows:—

N.B.—Herein I wish to take the opportunity of reminding you once again that all pushing of empties to the face is to be done by trammers and loaders shall on no account be allowed to touch empties and a certificate to this effect should be continued to be given daily in the Remark Column.

But it is significant that this written order should be contained in a circular letter which was issued almost 8 months after the date of the Government Order referring the dispute to adjudication. I am inclined to think that this remark was incorporated in this circular letter as an after-thought with a view to create some written evidence to support the company's story that instructions had earlier been issued.

24. On the other, Shri Gulab Gupta, in my opinion has rightly laid emphasis on the Failure Report of the Conciliation Officer (C) dated 1st October, 1959 (Ex. W. 9) which contains his report about the "on the spot" inspection held by him along with the representatives of both the parties—management and the union—on 22nd August, 1959 when he went underground and questioned workers as to who were pushing empties and was told by 16 workmen whom he questioned that empty tubs were being pushed by loaders from haulage ends to the working faces. What the Conciliation Officer stated in his report is as follows:—

"Accordingly, in the evening of 22nd August 1959 I went underground in Incline No. 6 of the mine along with the representatives of the union and the management and the Labour Inspector (C) Chirimiri, for the purposes of enquiry into the matter. During the enquiry 16 workers of different categories like loaders, trammers, overmen etc. including Some Gorakhpuri workers were questioned on the issue. They all stated that the empty tubs were pushed by the loaders from the haulage ends to the working faces".

Now, it is admitted that copy of this Failure Report of the Conciliation Officer, was sent to the management and the Manager of the Colliery, Shri H. Saini (E.W. 1) has admitted seeing this report, yet the management did not write in reply

challenging that this report of the on the spot underground inspection, was not correct. Therefore, 3 things are clearly established from this report:—

1. Enquiries made by an independent Government Officer of the Status of the Conciliation Officer in the colliery as late as on 22nd August, 1959, in the presence of the Manager of the Colliery and the representatives of the Unions, show that empty tubs were being pushed by loaders and not by trammers;
2. That this was deposed to not only by loaders but also by trammers and workmen of other categories such as overmen and, what is more significant, even Gorakhpuri workmen told the Conciliation Officer that the loaders were pushing the empty tubs; and
3. That the evidence was that the empty tubs were being pushed by the loaders from the haulage points to the working face.

25. The management has sought to argue that the Conciliation Officer had not actually seen the loaders pushing the empties; that was not done probably because the inspection was taken late in the evening; but equally well it may be stated for the workmen that the management could then have placed before the Conciliation Officer the trammers which it says it had engaged to push empty tubs—especially as according to the management in Incline No. 6 there were 2 trammers in each shift exclusively employed in the work of pushing empties.

26. The management has relied upon the reference in this Failure Report to the later inspection on 29th August, 1959 held by the Labour Inspector (C) in Incline No. 7, when according to the statement in the Failure Report:—

“While questioning the workers the Labour Inspector was told by some workers that the empty tubs were not pushed by loaders but by time rated trammers and some other workers stated to him that this item of work was done by the loaders”.

27. Shri Kapoor has argued that the fact that some of the workers at the second inspection by the Labour Inspector had stated that the empty tubs were pushed by the time rated trammers established the company's case. But Shri Gulab Gupta has argued that this second inspection was held seven days after the first inspection held by the Conciliation Officer and that during that time it could not be difficult for the management to get some workers to make statements before the Labour Inspector supporting the company's stand. He has argued that it was significant that even at the time of the inspection by the Labour Inspector, there were workmen who had stated that empties were being pushed by the loaders.

28. In my opinion, on the spot enquiry by the Conciliation Officer and the Labour Inspector is reliable evidence to support the finding that empty tubs were being pushed by loaders from haulage points to working faces in the colliery uptill end of August 1959 and that the management's story that the pushing of empty tubs had been stopped in this colliery from the time of the Majumdar Award is falsified by this Report.

29. The management has relied heavily upon the remarks made by underground Munshis in their daily raising reports that trammers and not loaders were pushing empty tubs for establishing its case. Apart from the fact that the evidence as to when instructions were first issued to the underground Munshis to make such remarks, is vague, and contradictory the company has filed at the hearing in all only 39 reports Ex. E. 1—(one report, Ex. E. 2—(one report)—, Ex E3—(8 reports)—, Ex. E. 4—(11 reports)—and Ex. E. 6—(18 reports collectively). Shri Gulab Gupta has argued that underground Munshis were made to make these remarks under compulsion. Tulsi Ram Shukla (W.W. 1) when he was confronted in cross-examination with such remarks made in his raising report dated 2nd July, 1959, (Ex. E. 3) of 18th August, 1959, (Ex. E. 2) and his eight daily raising reports (Ex. E. 3) stated that he was made to make these incorrect endorsements by the Incharge and that he had made these endorsements as he was afraid that he would lose his employment if he did not carry out the wishes of the employers. The Manager of the colliery (F.W. 1) thereafter tendered 11 other subsequent raising reports made by Munshi Tulsi Ram (Ex. E. 4 collectively). But they also bear dates after 19th June, 1961. The other bunch of 18 daily raising reports (Ex. E. 6 collectively) filed by the company all bear dates after January 1960. In my opinion there is force in Shri Gulab Gupta's contention that these remarks cannot establish that Trammers were pushing empties for the following reasons:—

1. That no raising report bearing remarks about trammers having pushed empties—during a shift has been produced for a date prior to 8th

June 1959, the date mentioned in the order of reference and that the 18 raising reports, tendered by E.W. 6 (N. C. Majumdar) were all after January 1960.

2. That only 39 daily raising reports bearing such remarks have been produced—as against their being one such raising report for each shift in each day i.e. three such raising reports per day and that before the conciliation Officer only 3 raising reports of underground Munshis—forming part of the 39 on record—could be produced bearing such endorsements.
3. That the raising reports tendered bear remarks of only two underground Munshis—namely Shri Tulshi Ram (W.W. 1) and Narayan C. Majumdar (E.W. 6); and not of any other underground Munshis; This is significant because it is admitted that in 3 shifts per day in the 2 Inclines—there are daily 6 underground Munshis on duty.
4. That there is no column in the form in which underground munshis have to make their raising reports about recording who had pushed empty tubs.

30. I think there is considerable force in the argument of Shri Gulab Gupta for the Union that these remarks on a small number of raising reports of underground Munshis were subsequently made up with a view to support the company's story that it had instructed underground Munshis not to allow loaders to push empties

31. There is another significant fact which I think supports the Union's case. After stating that loaders were not allowed to touch empties after the Majumdar Award, the Company realising that this story would be difficult to establish, wanted to provide a line of escape and therefore submitted that whenever there were not sufficient number of trammers on duty in any shift, loaders were asked to push empties, but in such cases, the loaders were paid the wages of trammers. Now, it is admitted that loaders are piece-rated workmen and trammers are time rated workers. The Company's witness Balkrishna son of Rudra Dutt—General-in-Charge—(E.W. 5) in his examination in chief said that when trammers are absent, loaders are taken in place of trammers and such loaders then push empties and they are marked "hazri" for that work. In his cross-examination, he had, however, to admit that he did not know how the payment to loaders who were asked to work as trammers was calculated and that he did not know the procedure that has to be followed for converting a piece-rated worker into a time-rated one. When questioned further as to who issues orders to loaders to work as trammers the witness stated that underground Munshis issue such orders and that such orders are issued in writing. But when he was asked whether he could produce any such written order or instructions, he said he would not be able to do so, even if time were given to him to produce it.

32. From this evidence also it is clear that the Company's story that loaders were stopped from pushing empties is not true and the inference to be drawn from the company's failure to produce alleged written orders from underground munshis asking loaders work as trammers supports the union's story that loaders were made to push empties.

33. After a careful perusal of the oral and documentary evidence on record, I am more than satisfied on issue No. 1 under reference, that loaders in the North Chirimiri Colliery are pushing empty tubs and I answer issue No. 1 accordingly.

34. The next issue to consider is whether the loaders are entitled to any extra allowance for this work? There is no doubt, as held by the Majumdar Award in Para 604 of its Award, that pushing of empty tubs is not the duty of the loader, but is the duty of the trammer and that if a loader is made to do this work he would be entitled to an extra allowance for it. In fact, the management in effect has conceded this because its case is that after the Majumdar Award, it stopped taking the work of pushing empty tubs from loaders and made the trammers do this work. There is no doubt that the claim for an extra allowance to loaders for this work is justified, as they could utilise the time and energy expended by them in pushing empties in cutting and loading coal, the Unions estimate being that in the time taken to push 3 empty tubs, the loaders would be able to load one tub. This principle of extra payment to loaders for pushing empties has been accepted by all the other collieries of the Korea Coal Field as stated earlier in this Award, and they are already paying their loaders in extra allowance for pushing empties. I, therefore, answer issue No. 2 under reference in the affirmative and hold that loaders in this colliery are entitled to payment of extra allowance for pushing empty tubs.

35. Having held that loaders are entitled to extra allowance for pushing empty tubs, there remains to be considered the two questions under issue No. 3 viz. what should be the rate of the allowance payable and from which date.

36. As regards the rate of the allowance, as I have shown earlier, the Majumdar Award has prescribed the consolidated payment of Rs. 0-1-0 for pushing empty tubs for every 100 ft. or part thereof, in excess of the first 100 ft. It is admitted that this rate was prescribed by the Majumdar Award for Bengal and Bihar where the average tub in of 36 c. ft. capacity. In this colliery the tubs are admittedly 45 c. ft. in size. Therefore, for a 45 c. ft. the allowance at the rate prescribed by the Majumdar Award, which has been adopted by all the other collieries in this Coal-field, would be  $7\frac{1}{2}$  nP. per empty tub of 45 c. ft. capacity pushed over a distance of every 100 ft. or part thereof after the first 100 ft. The Union in its written statement of claim has claimed an extra allowance at the rate of 10 nP. for every 100 ft. per 36 c. ft. tub. i.e. at the rate of 12 nP. for every 45 c. ft. pushed for every 100 ft. In support, Shri Gulab Gupta has argued that this higher rate of extra allowance is justified because of the difficult topography of the area and the more difficult working conditions underground in the collieries of the Korea Coal Field than in the Coal Fields of Bengal and Bihar. But I am not satisfied that the case for a higher rate than fixed by the Majumdar Award has been made out. It is admitted that the other collieries in this coal field are paying at the Majumdar Award rate i.e. at the rate of 0-1-0 per 36 c. ft. tub pushed over a distance of 100 ft. or part thereof after the first 100 ft. and adopting this rate I would award the rate of  $7\frac{1}{2}$  nP. per tub of 45 c. ft. pushed over a distance of 100 ft. or part thereof, over the first 100 ft.

37. The issue of rate also involves determination of the average distance over which the tubs are pushed and the average number of tubs pushed and this demand was argued on that basis by both parties.

38. First, with regard to the average distance, the Union's witnesses have stated that the average distance over which the empty tubs have to be pushed from the haulage points to the working faces would be about 10 to 12 pillars i.e. of about 1,000 to 1,200 ft. On the other hand, the manager of the colliery Shri H. Saini (E.W. 1) in his evidence stated that the maximum distance over which the empty tubs have to be pushed does not exceed 400 ft. This, statement in my opinion, was, to say the least, an under statement and was not supported by the other witness on behalf of the management, Shri Balkrishna, the General-in-charge, who in his examination-in-chief on this point stated that the distance over which the tubs are pushed varies from 100 to 800 ft. When I put it to the manager of the colliery at the stage of arguments to state what would be the average distance over which the empty tubs are pushed, he put it at 300 ft., and I thought, he added as an after thought that it would include the first 100 ft. After considering evidence on the point and the suggestion that loaders push the empties to the working face from the crossing point where the trammers unclip the empty tubs and the submission of both parties, I think that the lowest average distance which the loaders push the empty tubs could be fixed at not less than 400 ft., and excluding the first 100 ft., the loaders would be entitled to payment for a distance of 300 ft.

39. I am conscious that the average distance fixed by me is on the low side. But, in fixing this average distance, I am motivated by the anxiety that further controversy with regard to the payment to be made should be avoided and the loaders should get their dues without further dispute. Therefore, on the basis of the average distance of 300 ft. for which payment should be made per tub of 45 c. ft., each loader would be entitled to—

$7\frac{1}{2}$  nP. per 100 ft. x 3

i.e.  $22\frac{1}{2}$  nP. per tub of 45 c. ft.

40. Now, at the hearing Shri S. S. Kapoor admitted that on an average a loader-cum-coal-cutter (and it is admitted that all loaders in this colliery are also coal cutters) gives an average production of  $2\frac{1}{2}$  tubs of 45 c. ft. which is the average work load fixed by the Majumdar Award for this area. Thus, on an average of  $2\frac{1}{2}$  tubs pushed per shift the loader would be entitled to an extra allowance calculated as follows in rounded figure:—

$22\frac{1}{2}$  nP. for average 300 ft. per tub x  $2\frac{1}{2}$  tubs—0-50 nP.

41. I would, therefore, award that for each tub of 45 c. ft. the loader should be paid an extra allowance at the rate of  $22\frac{1}{2}$  nP. and proportionately for tubs of different sizes. Thus, per shift of attendance the loader would be entitled to 0-50 nP. as empty tub pushing allowance on the basis of the average production of  $2\frac{1}{2}$  tubs of 45 c. ft.

42. The last question to be determined in issue No. 3 is the date from which this extra allowance fixed by me should be granted. Under the order of reference, the date can be fixed only after 8th June 1959. Shri Gulab Gupta, has had hard words to say about the Government having limited the grant of the Union's demand from a date after 8th June 1959. He has argued that as the Majumdar Award came into force from 26th May 1956, and this colliery had got the same increases in selling price of its coal per ton after the Majumdar Award and the Labour Appellate Tribunal's decision as were received by the other collieries in the other States and as the price increases were based on the assumption that the colliery would implement the Award of the Majumdar Tribunal as modified by the decision of the Labour Appellate Tribunal, it was unfair that the demand of the workmen for payment of this extra allowance should be fixed for a period after 8th June 1959, when the company had had the benefit of the full increase in selling price after the Majumdar Award came into force in 1956. Shri Gulab Gupta has argued that it was not understood how Government had come to fix this date of 8th June 1959. He has argued that the Union had first made this demand for payment of extra allowance to loaders for pushing empties as early as on 15th October 1956, by the letter of that date which it had addressed to the Junior Labour Inspector (C), Chirimiri, and receipt of which he had endorsed on 23rd March 1956. That it had repeated this demand on 10th March 1959 and 4th June 1959. But it appears to me, as I have stated earlier, that Government fixed the date of 8th June 1959 evidently because in its opinion this dispute was raised for the first time by the Union's letter of 4th June 1959. As I am satisfied that the management has taken the work of the pushing of empties from its loaders even prior to 8th June 1959, I shall fix the date from which this payment should be made from the next convenient date after 8th June 1959, and that date in my opinion would be 15th June 1959.

43. Now, the Union's case, as I have shown earlier, has throughout been that the loaders are even now being made to push empty tubs. On the other hand, the management's case has been that the pushing of empties was stopped from the date the Majumdar Award came into force since July/August 1956. I have already shown from the discussion on issue No. 1, that I do not believe this story. Whilst I would not say that the pushing of tubs by loaders is continuing even to date, it appears to me that the pushing of empty tubs may be deemed to have been stopped from the date of the only written order issued to the Munshis and underground officers directing them not to make loader push empty tubs. That written order is the circular letter of the Manager, dated 31st July 1961 (Ex. E. 5). I, therefore, direct that under issue No. 3 the period for which the payment extra allowance at the rate of 22½ nP. per tub of 45 c. ft. i.e. Rs. 0.50 for an average of 2½ tubs per loader per shift shall be made on and from 15th June 1959 to 31st July 1961 and I award accordingly.

44. I further direct that the dues of the loaders at the rate awarded above shall be paid to them within one month of the date this award comes into force.

45. This is a fit case in which an order for costs should be made in favour of the Union. I think substantial costs should be awarded against the Company as I am more than satisfied that a just claim of the loaders has been unjustly withheld over a long period. I, therefore, award Rs. 300 as costs to the Union and I direct that this should be paid to it within one month of the date the Award becomes enforceable.

SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[1/72/59-LRII.]

**S.O. 447.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Pure Chirimiri Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

Reference No. CGIT-29 of 1961

Employers in relation to the Pure Chirimiri Colliery.

AND

their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

## APPEARANCES:

For the employers:—Shri S. R. Sabhlok, Manager, Pure Chirimiri Colliery.

For the workmen:—Shri Gulab Gupta, Vice President, Chhattisgarh Colliery Workers' Federation.

INDUSTRY: Coal.

STATE: Madhya Pradesh.

*Dated, Bombay 12th January 1962*

## AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 1/1/61-LRII, dated 29th August 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule, to my adjudication.

## SCHEDULE

"Whether the management was justified in changing the rest day from Sunday to some other day in the week in respect of 20 female wagon loaders with effect from 23rd November 1958, and if not, to what relief are the wagon loaders entitled?"

2. After parties filed their written statements this dispute was heard by me at Kurasia in Chirimiri on 18th December 1961, when parties made their submissions.

3. It is admitted that in the Pure Chirimiri Colliery Sunday was the uniform weekly day of rest for all the workmen, till admittedly the weekly rest day for the 20 female wagon loaders was changed from 23rd November 1958 from Sunday to Wednesday for some and to Saturday for the others and the first question referred for adjudication by this reference is whether the management of the colliery was justified in making this change.

4. The Union's case is that the management was not justified in making this change in the weekly rest days of the 20 female loaders because Sunday has been the general weekly rest day in this colliery for all the workmen from the beginning because Sunday is the weekly Bazar day at Chirimiri, where the workers of this colliery make their local purchases. It has urged that in the collieries the practice is to grant the weekly day of rest on the day on which the weekly bazar is held at the nearest and most convenient place to the colliery. The Union's case in its written statement and at the hearing has been (1) that the change of the weekly rest days of the female loaders from Sunday to Wednesday for some and to Saturday for the rest was illegal because the procedure laid down in section 9A of the Industrial Disputes Act, 1947 was not followed and also because the management has made this change in violation of section 33 of the Act and (2) that on merits the change was not justified because this change has caused considerable inconvenience to the workmen as they are now deprived of the facility of doing their weekly marketing at Chirimiri on Sundays where they could purchase their weekly requirements at reasonable rates. The union has urged that the weekly day of rest of the female loaders only was changed because they had resisted the attempts of the management to change them from time rated to piece rated workers and these female loaders had refused to join the Socialist Union as desired by the management. The union has also contended that this change in the weekly rest day has resulted in enforced idleness for the loaders affecting their total earnings.

5. The union has therefore prayed that the Tribunal should declare this change as illegal and unjustified and direct the company to pay wages for all days of enforced idleness suffered by these female loaders and direct the company to compensate them for loss of bonus, leave, etc., suffered by them as a result of this change.

6. The management in its written statement has denied the Union's allegations that it changed the weekly day of rest of these female loaders because they had refused to join the Socialist Union or because they had refused to accept piece-rates for this work. The management has denied that it supported the rival Socialist Union or had asked these female loaders to join that Union. The management has denied that there has been a practice of giving rest day on



the basis of availability of marketing and other facilities in the Coal Fields. It has stated—

"In this case Sunday as a rest day was also a Bazar day was a matter of sheer co-incidence. The co-incidence is sheer accident and is not based on any practice or custom or customary principle as alleged. The employers specifically state that there is a bazar in the colliery itself and that the bazar is not on Sundays but it is actually on Saturdays."

It has stated that the town Manendragarh is at the same distance from this colliery as Chirimiri town, and therefore the absence of rail link between this colliery and Manendragarh does not arise.

7. The company has denied that the practice of granting Sunday as a weekly day of rest had ripened into a custom or that the change made by it was illegal for the procedure under section 9A of the Industrial Disputes Act 1947 not having been followed. It has argued that section 9A is not attracted. It has further submitted that the change made by it was not connected with the subject matter of the Industrial Dispute—Reference No. 1 of 1957 and has further submitted that these female loaders were not workmen concerned in the said dispute. It has further urged that the change has not been to the prejudice of the workmen and therefore it was not necessary for this company to have obtained permission of this Tribunal under section 33 of the Act before making the said change. It has further stated that in violation of their days of duty fixed these female loaders had been absenting themselves on Sundays and thus committing a serious misconduct. The management has denied that these workmen have suffered loss in wages or bonus or other facilities and it has further argued that even assuming that they have suffered these losses they have caused the same to themselves by their arbitrary and illegal conduct. It has stated that of the 20 female loaders, 11 accepted the change in the rest day and worked without any protest from 23rd November 1958 to 15th March 1959 and it has urged that these workmen are now estopped from challenging the change; That another 7 women loaders had accepted the change from 1st August 1961 and are now working according to the changed schedule. Therefore, it has argued that there is no pending industrial dispute which remains un-settled or un-satisfied and for which a claim can be made in law. It has stated that this is not a bonafide dispute and that the union is trying to un-settle a settled state of affairs.

8. The company has annexed to its written statement a letter dated 23rd March 1960, from the Conciliation Officer (C), Jabalpur, in which he has expressed his considered opinion that the management had not violated section 9A of the Industrial Disputes Act. The question of whether the management had or had not violated section 9A appears to have been referred to the Conciliation Officer by item No. 2 of the terms of a memorandum of settlement dated 24th December 1960 between this management and the Federation.

9. In the last para of its written statement the management has submitted that it was due to the exigencies of business that the company had to commence loading on Sundays and that the change had therefore been made by it in exercise of its managerial function and could not be challenged.

10. At the hearing both parties led oral evidence and also filed a number of documents in support of their respective contentions.

11. The first question that falls for consideration is whether in making this admitted change in the weekly rest day of the 20 female loaders the management has violated the provisions of section 9A of the Industrial Disputes Act 1947. Now, section 9A appears under chapter IIA of the Industrial Disputes Act, which is entitled, "Notice of change." The relevant provision of section 9A for the purposes of the consideration of the contentions of the parties is as follows:—

Section 9A—"No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change—

- (a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
- (b) within twenty-one days of giving such notice."

Now, the Fourth Schedule to the Act enumerates the conditions of service for which notice under section 9A is to be given. The Union's case is that there has

been a change covered by item (8) of the fourth schedule. Item 8 is worded as follows:—

Item 8—"Withdrawal of any customary concession or privilege or change in usage."

The management has in the first place argued that it had effected the change by giving a 21 days written notice to the female workers and that there has thus been a compliance of the provisions of section 9A of the Act. Shri Sabhlok the manager of the colliery, has relied upon the notice dated 28th October 1958 served by him on 8 of the female loaders, intimating to them that their rest days would be changed from Sunday to Thursday with effect from 23rd November 1958. A copy of this notice was pasted on the notice Board of the colliery. The manager served another notice on the same day on the remaining 12 female loaders intimating the change of their weekly day of rest from Sunday to Wednesday also with effect from 23rd November 1958. This notice was also pasted on the Notice Board. These notices which form items 1 and 2 of the list of documents filed by the company are admitted by the Union. But Shri Gulab Gupta for the Union has argued that these notices cannot be deemed to be in compliance with section 9A as they are not in conformity with Rules 34 and 35 of the Industrial Disputes (Central) Rules, 1957. Rule 34 prescribes that notice of change in respect of any matter specified in Schedule IV shall be given in Form E and Shri Gupta has pointed out that the company's notices were not in that form. But that at most is only a defect in form. With regard to Rule 35 the same specifies the manner of service when there are numerous workmen in which case the notice has to be served upon an office bearer of the Union of which the majority of the workmen concerned are members and a copy has also to be pasted on the notice board. In this case, as under each notice the number of workmen concerned was only 8 and 12 respectively, it cannot be said that the number of workmen affected by the change was numerous. Therefore in my opinion it was not necessary to serve the notices of change on the Union. The management had, however, affixed the copy of the notice on the notice board.

12. I am therefore satisfied, that there was sufficient compliance of the provisions of a 21 days previous notice as required by section 9A of the Act. The Union's contention therefore on this point fails.

13. Shri Gulab Gupta has next contended that this change was in violation of the provisions of section 33 of the Act in as much as these female loaders were workmen concerned in a pending industrial dispute between the employers in relation to this Colliery and its workmen, being Reference No. 1 of 1957—Reference No. 22 of 1960 and there had been a failure on the part of the management to apply under section 33(2) for the permission of the Tribunal before making this change. Now, it is admitted that this dispute (Ref. No. 1 of 1957 which has been re-numbered as Reference No. 22 of 1960) is over the claim for payment of compensation to wagon loaders of this colliery, the Union's case being that they had not been paid proper wages. It is also admitted that a complaint under section 33A in Reference No. 1 of 1957 was filed by these women loaders of this colliery claiming to be placed on time rates and not on piece rates. But it is admitted that there is a writ petition filed by the Employers against the reference in Reference No. 22 of 1960 to this Tribunal, which is now pending before the Punjab High Court. The management has denied that it was necessary for the company to have filed an application for permission of this Tribunal for changing the weekly rest days of these 20 female loaders; it has also denied that these 20 loaders are workmen concerned in the said dispute or that this change attracted the provisions of section 33 of the Act. Shri Gulab Gupta has not been able to advance any cogent arguments to show how the provisions of section 33 have been violated. It is also significant that the Union has not filed complaint under section 33A, which it would have done if there had been a violation of section 33. For these reasons also I reject this contention.

14. I am not impressed by the management's contention that since 11 female loaders worked on Sundays from 23rd November 1958 to 15th March 1959 and 7 female loaders worked from 1st August 1961, this should be accepted as their having accepted this change. If this were so, the management could easily have produced a writing from these women loaders that they are agreeable to the existing change in their weekly holiday. The women loaders it appears to me have worked on Sundays for these short periods, because of their anxiety to retain their jobs. It is this Union which had raised this dispute on their behalf and it continues to press the dispute.

15. This takes me to the question whether the management was on merits justified in making this change and I shall now address myself to this question.

16. It is admitted that in this colliery, till this change was made on 23rd November 1958, the uniform weekly day of rest for all the workmen in the colliery was Sunday, which is also the weekly Bazar day at Chirimiri. Any one conversant with conditions in collieries situated in distant out of the way places, knows that since the time of the Conciliation Boards Report of 1948, the weekly day of rest in collieries is the weekly bazar day of the locality. In this colliery according to the Union, since the start of the colliery and according to Shri Sabhlok since the last 10 years, Sunday has been the uniform weekly day of rest for all the workmen of the colliery. The management in its written statement has argued that it was an accident that Sunday as the weekly day of rest had coincided with the weekly Bazar day at Chirimiri. I am not prepared to accept this contention. It is well known and this is also established from the witnesses examined before me, that the Sunday Bazar at Chirimiri is a big bazar which attracts miners from various other collieries, including this colliery. It is not without significance that for the rest of the workmen in this colliery who constitute an over-whelming number, Sunday still continue to be the weekly day of rest. That in my opinion is because the marketing at the Sunday Bazar at Chirimiri is a real benefit to the workmen. I am not satisfied on the evidence that the small bazar held in the colliery each Saturday can meet all the needs of the workmen for the week. With regard to the management's contention that the women loaders could do these purchasing at the market held in Manendragarh on Wednesdays and at Jhagrakhand on Thursdays. I am satisfied on the oral evidence on record that the roads to Manendragarh and Jhagrakhand are not usually frequented and one not generally used by workmen and that it would be exposing these women workmen to danger and hardship to expect them to go to these places for their marketing.

17. The management has next argued that it was due to exigencies of business that it had to commence loading on Sunday. The management's argument is that certain of its customers like Gwalior Rayon and other companies could not get wagons on normal working days and therefore it had in exigencies of business to commence loading on Sundays. In support the management has produced only two letters, dated 6th October 1958 and 13th October 1958 from the District Operating Superintendent at Bilaspur of the South Eastern Railway, enquiring why there was no indenting for loading on Sundays and Holidays and also why there was partial indenting of wagon on Sundays. I have considered this and the other evidence on the subject, and I am inclined to think that this argument has no real substance and that this was not the real reason why loaders were asked to work on Sundays. It is significant that the other collieries in this area have not resorted to changing the weekly day of rest of their loaders from Sundays. Besides, the number of wagons loaded on Sundays does not lead one to accept this contention.

18. Whilst the Union has not been able to establish that the management has resorted to this change, with a view to punish these loaders because they had refused to join the Socialist Union, it does appear to me that there is some substance in the Union's suggestion that the management has been dissatisfied with the loaders because they have resisted the change from time rate to piece-rate.

19. The question that I have to determine in this reference is whether this change in the weekly day of rest is justified and on an anxious consideration of the submission of the parties and the evidence, both oral and documentary, on record I am satisfied that this change was not justified, and I answer issue number one under reference accordingly.

20. Having held that the change was not justified the next question to consider is what relief these female wagon loaders are entitled to. The union has claimed compensation for these women loaders for loss of earnings suffered by them because of this change. But there is not sufficient evidence of a definite character to establish what is the loss suffered by each of the loaders. I may here state that three of the 20 women loaders have resigned and left their service. In the absence of any satisfactory basis on which any relief can be granted to these women loaders the only relief I can grant them is to direct that the management shall with effect from 1st March 1962 restore Sunday as the weekly off day for the women wagon loaders of this colliery.

21. As the Union has succeeded, though partially, I award Rs. 50 as costs to the Union to be paid within one month of the date this award becomes enforceable.

Salim M. Merchant,  
Presiding Officer,  
Central Government Industrial Tribunal, Bombay.  
[No. 1/1/61-LRII.]

*New Delhi, the 6th February 1962*

S.O. 448.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Pipradih Colliery and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Camp; DHANBAD.

REFERENCE No. 8 of 1962

**PARTIES :**

Employers in relation to the Pipradih Colliery

**AND**

Their workmen.

**PRESENT :**

Shri L. P. Dave—Presiding Officer.

**APPEARANCES :**

*For the Employers—*

Shri S. S. Mukherjee, Advocate

*For the Workmen—*

1. Shri Gulab Gupta—Officer, Indian National Mineworkers' Federation, Calcutta.
2. Shri Sudist Narayan Singh, Secretary, Colliery Mazdoor Sangh, Branch Pipradih and Swang Collieries, P.O. Swang.

**STATE :** Bihar.

**INDUSTRY :** Coal Mines.

**AWARD**

By Government of India, Ministry of Labour & Employment Order No. 2/62/61-LRII dated 22nd May 1961, the industrial dispute between the employers in relation to Pipradih Colliery and their workmen in respect of the following matter was referred for adjudication to the Industrial Tribunal, Dhanbad:—

“Keeping in view the duties performed by S/Shri Biroo Ram, Janki Singh, Ganga Singh and Chhedi Sao, whether the first mentioned workman has been correctly placed in Category I and the remaining three workmen in Category II of the All India Industrial Tribunal (Colliery Disputes) Award; if not, in which category should they be placed and from what date?”

By subsequent order No. 4/90/61-LRII dated 13th December 1961, the proceedings in relation to the above dispute were withdrawn from the Industrial Tribunal, Dhanbad, and were transferred to this Tribunal for disposal according to law.

When the matter came up for hearing before this Tribunal, today, the parties filed a memorandum of settlement (copy attached herewith). The dispute referred to for adjudication relates to the categorisation of four workmen named, S/Shri Biroo Ram, Janki Singh, Ganga Singh and Chhedi Sao. The first of these workmen was placed in category I, while the other three were placed in category II, as defined by the Award of the All India Industrial Tribunal (Colliery Disputes). The workmen contended that they were not put in a proper category and hence this reference was made to the Tribunal. Under the terms of settlement, the Management have agreed to take up Shri Chhedi Sao and Shri Ganga Singh as Grade III clerks from 27th January 1962, and to place the other two workmen (namely, Shri Biroo Ram and Shri Janki Singh) as workmen in category III. The Management have also agreed to make *ex-gratia* payments to all the four workmen—Rs. 125/- each to Shri Chhedi Sao and Shri Ganga Singh and Rs. 150/- each to Shri Biroo Ram and Shri Janki Singh. I am satisfied that the settlement is fair and reasonable.

I record the compromise and pass an award in terms thereof.

**L. P. DAVE,**  
Presiding Officer.

Dhanbad,  
Dated the 29th January, 1962

BEFORE THE PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA  
Camp: DHANBAD.

REFERENCE No. 8 of 1962

(Dhanbad Tribunal Reference No. 37 of 1961)

Employers in relation to the Pipradih Colliery

AND

Their workmen.

The parties above-named

Most respectfully states as follows:—

That the above Reference has been settled between the parties on the following

TERMS

(1) That as the services of Sri Chhedl Shaw and Sri Ganga Singh was utilised by the company as also by the previous contractor at sometimes for doing other works besides their substantive post Sri Chhedl Shaw and Sri Ganga Singh will be taken as Grade III clerk and will be paid the starting pay of that Grade with effect from 27th January 1962. Each of them will be paid @ 125/- only as *ex-gratia* Payment.

(2) That Sri Chhedl Shaw and Sri Ganga Singh will be given any job of Grade III clerk.

(3) That in consideration of the duties performed by Sri Biroo Ram and Sri Janki Singh their claim for Grade III, clerk is given up. They will however be placed in Category III and will be paid the rate of that category with effect from 27th January 1962. Each of them will be paid @ 150/- only as *ex-gratia* payment. It is, therefore, prayed that the above compromise may kindly be recorded and an Award given in terms thereof.

Dated: the 29th January 1962.

For Workmen

S. N. SINGH,  
Secretary,  
Colliery Mazdoor Sangh  
(Pipradih—Swang Branch).

GULAB GUPTA,  
Indian National  
Minesworkers' Fed.,  
Calcutta.

For employers

R. K. SINGH,  
Agent  
Pipradih Colliery.

S. S. MUKHERJEE,  
Advocate.

[No. 2/62/61-LRII.]

S.O. 449.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Religara Colliery and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 9 of 1962

PARTIES:

Employers in relation to the Religara Colliery

AND

Their workmen.

PRESENT:

Shri L. P. Dave—Presiding Officer.

APPEARANCES:

For the Employers.—Shri L. J. Pathak, Chief Personnel Officer.

For the workmen.—Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh.

Shri K. C. Upadhyaya, Branch President, Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal Mines

## AWARD

By Government of India, Ministry of Labour and Employment order No. 2/59/61-LRII, dated 5th June, 1961, the industrial dispute between the employers in relation to Religara Colliery and their workmen in respect of the following matter was referred for adjudication to the Industrial Tribunal, Dhanbad:—

"Having regard to the nature of duties performed and experience gained as Fitters, by Sarvashri Mahamud Khan, and Mohammad Ali, whether the management has correctly placed them in Category IV, under the Award of the All India Industrial Tribunal (Colliery Disputes)? If not, what is the correct Category in which they should be placed and from what date?"

By subsequent order No. 4/90/61-LRII, dated 13th December, 1961, the proceedings in relation to the above dispute were withdrawn from the Industrial Tribunal, Dhanbad, and were transferred to this Tribunal for disposal according to law.

When the matter came up for hearing before me, the parties produced a memorandum of agreement arrived at between them (copy attached herewith). The dispute relates to the categorisation of two workmen mentioned therein. These workmen were working as Fitters and after the Award of the All India Industrial Tribunal (Colliery Disputes), they were placed in category IV. The workmen want that they should be placed in category IX, and that is why this reference was made.

Under the terms of agreement, both the workmen are to be placed in category No. VII, and are to be paid the maximum of the basic wage of that grade with effect from 1st November, 1961. In my opinion, the compromise is fair and reasonable.

The parties have left the matter of costs to be decided by me. After hearing, I think that this is a fit case where the employer should pay a lump sum of Rs. 100, to the workmen for their costs.

I therefore pass an award in terms of the above compromise with the further direction that the employer shall pay Rs. 100, by way of costs to the workmen within 15 days of the Award becoming enforceable.

Dated 30th January, 1962.

L. P. DAVE,  
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA, CAMP: DHANBAD.

REFERENCE NO. 9 OF 1962

Employers in relation to Religara Colliery

AND

Their workmen.

The humble petition of the parties above named most respectfully sheweth:—

(1) That the above dispute has been settled between the parties on the following terms:—

(2) That the two workmen namely Mohamad Ali, and Mohamad Khan, will be placed in Category VII, at the basic wage of Rs. 2.71 nP. per day.

(3) That the said revised rate of Rs. 2.71 nP. per day will be effective from 1st November, 1961.

(4) The payment for the said back period shall be made within seven days from this date.

(5) The matter of costs to be paid to the workmen will be left to the discretion of the Hon'ble Tribunal at the time of passing its award.

It is therefore prayed that the above reference may kindly be disposed of in terms of the settlement as aforesaid.

Dhanbad 29th January, 1962.

For the Employers

L. J. PATHAK,  
Chief Personnel Officer.

For the workmen

S. DAS GUPTA,  
Secy. Colliery Mazdoor Sangh.

K. C. UPADHYAYA,  
Branch President,  
Colliery Mazdoor Sangh.

[No. 2/59/61-LRII.]

**S.O. 450.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Mukherjee Jote Janki Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD.**

REFERENCE No. 31 OF 1961

**PARTIES:**

Employers in relation to the Mukherjee Jote Janaki Colliery, Post Office  
Topsi.

AND

Their workmen.

**PRESENT:**

Shri Salim M. Merchant, B.A. LL.B., Presiding Officer;

**APPEARANCES:**

Shri Anil Baran Roy, Personal Clerk of Messrs. Brij Mohan Jhunjhunwala, Managing Agents of Mukherjee Jote Janaki Colliery. *for the employers.*

No appearance *for the workmen.*

*Dhanbad, dated the 23rd January, 1962*

STATE: West Bengal.

INDUSTRY: Coal.

**AWARD**

The Government of India, Ministry of Labour and Employment, by Order No. 2/48/61-LRII, dated the 23rd May, 1961, made in exercise of the powers conferred by clause(d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said Order for adjudication to me.

"Whether the action of the management in denying work to Shri Ram Chandra Singh, Fitter, Mukherjee Jote Janaki Colliery, with effect from the 18th January, 1961, is justified; if not, to what relief is he entitled?"

2. After the reference was made, by Tribunal's notice dated 23rd June, 1961, the parties were called upon to file their written statements but no written statements were received from either party. Thereupon, the case was finally fixed for hearing on 22nd January, 1962, and notice of the same was sent by registered post to the Colliery Mazdoor Sabha representing the workman and the same has been acknowledged on 2nd January, 1962. The union has not filed any statement of claim nor was any representative of the union present at the hearing on 22nd January, 1962. Shri Anil Baran Roy, appearing for the employers, has stated that the dispute has been settled by Shri Ram Chandra Singh, the workman directly concerned in the dispute. In support thereof he produced a copy of letter dated 10th June, 1961, addressed to the Conciliation Officer (Central), Raniganj, District Burdwan, with copy to the management, in which Shri Ram

Chandra Singh had stated that he had decided not to proceed with this case but to withdraw the same as he had been paid all his dues by the employers (Exhibit E-1). He also stated that his claim was satisfied and he desired to withdraw the case. It also appears that he had forwarded a copy of this letter to his union.

3. It appears from the above letter that the workman concerned in the dispute i.e., ~~Shri~~ Ram Chandra Singh has settled his claim with the management and therefore this dispute does not survive. Apparently that is the reason why neither he nor the union have appeared to prosecute this reference.

4. In the result, this reference is disposed of for non-prosecution. No order for costs.

*Dhanbad, the 23rd January, 1962.*

(SALIM M. MERCHANT),  
Presiding Officer,  
Central Govt., Industrial Tribunal,  
Dhanbad.

[No. 2/48/61-LRII.]

S.O. 451.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Religara Colliery and their workmen.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

CAMP: DHANBAD.

REFERENCE No. 3 OF 1962

#### PARTIES:

Employers in relation to Religara Colliery  
AND  
Their Workmen.

#### PRESENT:

Shri L. P. Dave, Presiding Officer.

#### APPEARANCES:

For the Employers:

Shri L. J. Pathak,  
Chief Personnel Officer.  
The Religara Coal Company Private Ltd.

For the Workmen:

Shri P. B. D. Choudhury,  
General Secretary, Colliery Staff Association,  
(Bengal & Bihar).

STATE: Bihar.

INDUSTRY: Coal Mines.

#### AWARD

By Government of India, Ministry of Labour & Employment notification No. 2/88/59-LRII, dated 24th April 1961, the industrial dispute between the employers in relation to Religara Colliery and their workmen in respect of the question whether having regard to the duties performed by Shri P. K. Guha, the management of Religara Colliery was justified in placing him in clerical grade III under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal and if not, ~~when~~ relief is he entitled to and from what date, was referred for adjudication to the Industrial Tribunal, Dhanbad. By subsequent order No. 4/90/61-LRII, dated 13th December 1961, the proceedings in relation to the above dispute were transferred from Dhanbad Tribunal to this Tribunal for disposal according to law.

2. When the matter came up for hearing before me to-day, the employers and the Union filed a memorandum stating that Shri Guha, the workman concerned in this dispute, had resigned his job in this colliery and had been paid



of his dues and that the Union was satisfied that his dues were paid in a fair manner and the settlement between him and the employers was satisfactory. The Union, therefore, stated that it was not interested in pressing this matter before this Tribunal.

3. The present dispute related to the categorisation of a workman named Shri P. K. Guha. After the decision of the All India Industrial Tribunal (Colliery Disputes), this workman was placed in clerical Grade III. The Union wanted that he should have been placed in clerical Grade II and as there was a dispute on this point, the matter was referred to adjudication. In view of the fact that the workman concerned has since resigned his job, the question of his categorisation does not survive. Not only has he resigned, but he has been paid all his dues in a fair manner to the satisfaction of both himself and the Union.

4. The dispute referred to this Tribunal does not therefore now survive and no orders need be passed in this matter. The reference is accordingly disposed of.

L. P. DAVE,  
Presiding Officer.

DHANBAD;  
The 29th January, 1962.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT'S INDUSTRIAL  
TRIBUNAL, CALCUTTA

REFERENCE No. 27 OF 1961

(Now renumbered as Reference No. 3 of 1962)

Employers in relation to Religara Colliery

AND

Their Workmen.

The humble petition on behalf of the parties above-named most respectfully sheweth:

1. That the above reference has been pending before this Hon'ble Tribunal and is with regard to regradation of Shri P. K. Guha.
2. That Shri P. K. Guha has in the meantime resigned his job and has been paid all his dues.
3. That the Union is as such satisfied that Shri Guha has been paid his dues in a fair manner and the settlement thus reached between the workman and the employers has been satisfactory.
4. That the Union is, therefore, not interested in pressing his matter before this Hon'ble Tribunal.

Under the aforesaid circumstances it is hereby prayed that the above-mentioned reference may kindly be disposed of in terms as aforesaid.

And in view of this settlement the parties shall bear their own costs.

For and on behalf of the Union:

P. B. D. CHOUDHURY,  
General Secretary,  
Colliery Staff Association,  
(Bengal & Bihar).

For and on behalf of the  
Employers:

L. J. PATHAK,  
Chief Personnel Officer,  
The Religara Coal Company  
Private Ltd.

[No: 2/88/59-LRII.]

#### ORDERS

New Delhi, the 5th February 1962

S.O. 452.—Whereas the employers in relation to the Indian Copper Corporation Limited, Post Office Ghatsila (Singhbhum) and their workmen represented by the Mosaboni Mines Labour Union, Post Office Mosaboni (Singhbhum) have

jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said employees' union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

(Form A)

(See Rule 3)

Form of application for reference of an industrial dispute to a Tribunal under section 10(2) of the Industrial Disputes Act, 1947.

Whereas an industrial dispute exists between the Management of the Indian Copper Corporation Limited, Ghatsila and the workmen of its mines represented by the Mosaboni Mines Labour Union, P.O. Mosaboni Mines, and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for adjudication by a Tribunal, an application is hereby made under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of Industrial Disputes (Central) Rules, 1957, is attached.

Dated: Ghatsila, 15th November 1961

for Indian Copper Corporation Ltd.,

Sd/-.....  
General Manager

On behalf of the Mosaboni Mines Labour Union.

Sd/-.....

General Secretary.

Sd/-.....  
President.

15th November 1961

To

The Secretary to the Govt. of India,  
Ministry of Labour,  
New Delhi.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the Form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947;

(a) Parties to the dispute:

- (1) Indian Copper Corporation Ltd. P.O. Ghatsila (Singhbhum)—representing the Management.
- (2) Mosaboni Mines Labour Union, P.O. Mosaboni Mines (Singhbhum)—representing the workmen.

(b) Specific matters in dispute: As per list enclosed.

(c) Total number of workmen employed in the undertaking affected: 5322

(d) Estimated number of workmen affected or likely to be affected by the dispute. 5322

(e) Efforts made by the parties themselves to adjust the dispute: Joint negotiations/discussion held on numerous occasions, failing settlement, a strike notice to take effect from 16th November 1961 was served on the Management. The Conciliation Officer (C), Asansol, intervened in the matter and discussions were held before him on

14th and 15th November 1961 resulting in the settlement for joint reference of the dispute for adjudication.

for Indian Copper Corporation Limited,

Sd/-.....

General Manager.

On behalf of the Mosaboni Mines Labour Union.

Sd/-.....

General Secretary.

Sd/-.....

President.

LIST OF MATTERS IN DISPUTE FOR ADJUDICATION AS REQUIRED AGAINST ITEM NO. 2(b) OF THE SCHEDULE (FORM-A).

Dated: 15th November 1961.

Whether a Production & Maintenance Incentive Bonus Scheme on the lines of the scheme already in operation at Moubhandar can be made applicable to the workers of the Mosaboni Copper Mines. If so, from what date.

2. What should be the number of quarters to be constructed by the Management and within what period.

3. Whether the workers are entitled to free supply of electricity. If so, from what date.

4. Whether the discharge/dismissal of the following workers was justified and, if not, to what relief are they entitled.

- (a) Manickam
- (b) Md. Burhan
- (c) Narayanswami
- (d) S. B. Das

5. What should be the basis of calculation of profit sharing bonus in respect of daily rated, as compared to monthly rated workers, and from what date would it take effect.

6. Whether the following are entitled to promotion, and if so, from what date:

- (a) Mubarak Ali
- (b) K. N. Mandal
- (c) Grain Store Issue Boys.
- (d) R. K. Nair
- (e) Surface Checkers
- (f) Hospital Dressers
- (g) Mrs. A. Abraham, Nurse
- (h) S. K. Das
- (i) Round Checkers
- (j) Office Boys
- (k) Kaitash Singh.

7. Whether Sarvashree Raffiguddin and Pushpanathan are entitled to free electricity. If so, from when.

8. Whether the Union is entitled to the following facilities from the Management:

- (b) Installation of a telephone in the Union Office, and
- (c) Provision of quarters and free medical facilities to the Union office clerks and peons.
- (a) Extension to the present Union building;

9. Whether the existing arrangement of carrying night soil on the shoulders of sweepers should be revised.

10. Whether there should be any female Sirdar/Mate for supervising the work of female sweepers.

11. Whether the Underground Diamond Drillers and Underground Winding Drivers are entitled to the same facilities and rate of wages as are enjoyed by their counterparts on surface. If so, from what date.

12. Whether there should be one scale of pay for Laboratory Assistants. If so, what should be the scale and from what date.

13. Whether the scales of pay of the following categories of workmen need revision. If so, what should be the scales and from what date:

- (a) Compounders.
- (b) Hospital Storekeeper.
- (c) Draughtsman (Engineering & Survey).
- (d) Asstt. Draughtsman (Engineering and Survey)
- (e) Tracers, (Engineering and Survey).
- (f) Heavy Vehicle Drivers.
- (g) Bulldozer Drivers.
- (h). Road Roller Drivers.
- (i) Compressor Drivers.

14. Whether the following categories of workmen are entitled to the amenities noted against each and, if so, from what date?

- (a) Underground workmen—uniforms.
- (b) Crushing Plant  
Sanitary Personnel  
Underground Personnel } —washing soap.

15. Whether the existing Dearness Allowance needs revision? If so, from what date and at what rate?

16. Whether there is need for posting of a doctor and/or a nurse during nights in the hospital?

17. Whether the Management was justified in bringing the in-charges of the Engineering Department from monthly basis to daily basis? If not, to what relief are they entitled?

For Indian Copper Corporation Limited

Sd/-

General Manager.

On behalf of the Mosaboni Mines Labour Union.

Sd/-

General Secretary.

Sd./-

President.

GHATSILA, the 15th November 1961.

[No. 23/64/61-LRII.]

New Delhi, the 6th February 1962

**S.O. 453.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the B. Roy's Ramkanali Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

Whether the dismissal of Shri Mohar Mahato by the management of Ramkanali Colliery on 6th September, 1961, was legal and justified. If not, to what relief is he entitled?

[No. 2/237/61-LRII.]

**S.O. 454.**—Whereas an industrial dispute exists between the employers in relation to the Bengal Jharia Colliery (inclusive of Sree Commercial Colliery) and their workmen represented by the Colliery Mazdoor Sangh, Tisra Branch and the Koyala Mazdoor Panchayat, Jharia (hereinafter referred to as the Unions);

And whereas the said employers and the Unions have under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the dispute to arbitration by an arbitration agreement and a copy of that agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement.

## FORM C

(Under section 10A of the Industrial Disputes Act, 1947)

## NAME OF PARTIES:

Employers in relation to Bengal Jharia Colliery (Inclusive of Sree Commercial Colliery).

## AND

Workmen, represented by—

Colliery Mazdoor Sangh, Tisra Branch; and  
Koyala Mazdoor Panchayat, Jharia.

## Representing employers:

Shri K. R. Worah, Agent.

## Representing workmen:

1. Shri B. P. Sinha, Vice-President,  
Colliery Mazdoor Sangh.
2. Shri M. V. Desai, General Secretary,  
Koyala Mazdoor Panchayat.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri L. P. Dave, Presiding Officer, Industrial Tribunal, Calcutta:—

## (i) Specific matters in dispute:

- (a) Necessity of retrenchment of workmen at Bengal Jharia Colliery (inclusive of Sree Commercial Colliery).
- (b) The extent to which such retrenchment is necessary.
- (c) Relief to which the workmen in the event of retrenchment are entitled.

## (ii) Details of parties to the dispute including the name and address of the establishment or undertaking involved:

**Parties.**—Employers in relation to Bengal Jharia Colliery (inclusive of Sree Commercial Colliery, And their Workmen, represented by—

The Colliery Mazdoor Sangh, Tisra Branch,  
The Koyala Mazdoor Panchayat.

**Address.**—Employers—

The Bengal Jharia Colliery Co. (P.) Ltd., P.O. Khas Jeenagora, District Dhanbad.

Address.—Representing workmen—

- (1) The Colliery Mazdoor Sangh, Tisra Branch, Khas Jecnagora, P.O. (Dhanbad).
- (2) The Koyala Mazdoor Panchayat, Jharia P.O. (Dhanbad District).

(iii) Name of the Unions:

Colliery Mazdoor Sangh, and Koyala Mazdoor Panchayat.

(iv) Total number of workmen employed About 1,000.

(v) Estimated number of workmen affected or likely to be affected by the dispute About 130.

Signature of Parties.

Representing Employer:

Sd./- K. R. WORAHA,  
Agent,

Representing Workmen:

(Sd./- B. P. SINHA,  
19-1-62,  
Vice-President, C.M.S.

Sd./- M. V. DESAI,  
19-1-62,  
General Secretary, K.M.P.

Witnesses:

- (1) Sd./- Illegible.
  - (2) Sd./- Illegible.
- 19-1-62.

[No. 8/16/62-LRII.]

A. L. HANDA, Under Secy.

*New Delhi, the 3rd February 1962*

**S.O. 455.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 11th February, 1962, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act, shall come into force in the following areas of Jhansi, Izzatnagar and Roorkee in the State of Uttar Pradesh, namely:—

**Jhansi.**—The areas within the limits of Municipal and Cantonment Board of Jhansi and the following revenue village:

Pund Ponch Mohal, Pargana, Tehsil and District Jhansi.

**Izzatnagar.**—The areas within the limits of revenue village Udaipur Khas, Pargana, Tehsil and District Bareilly.

**Roorkee.**—The areas within the limits of Municipal Board of Roorkee, District Saharanpur.

[No. F. 13(4)/62-HI.]

BALWANT SINGH, Under Secy.

#### ORDER

*New Delhi, the 5th February 1962*

**S.O. 456.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Rajasthan Limited, Jaipur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the bank in denying payment of bonus for the year 1960 to Sarvashri Govindlal Sha, Sripal Jain and Shanti Kumar Jain who were employed in the Kotah branch of the bank during 1960 is justified and, if not, to what relief are they entitled?

[No. 51(81)/61-LRIV.]

G. JAGANNATHAN, Under Secy.

